



Suspension and Exclusion Policy Local to St. Felix RC Primary School

**Part of the Our Lady of Walsingham Catholic Multi Academy
Trust**

Prepared by	<i>Andi Dodds – Headteacher</i>
Approved by the Committee/Governing body	<i>St. Felix Local Governing Body</i>
Signature of Chair of Governors	<i>Wendy Lashmar</i>
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Contents

1. Aims	3
2. Legislation and statutory guidance.....	3
3. Definitions.....	4
4. Roles and responsibilities	4
5. Considering the reinstatement of a pupil.....	9
6. Independent review.....	11
7. School registers.....	12
8. Returning from a suspension.....	13
9. Remote access to meetings	14
10. Monitoring arrangements	14
11. Links with other policies	15
Appendix 1: independent review panel training	15

1. Aims

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

Our school aims 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

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- Remove a pupil from the school roll without a formal, permanent exclusion, or
- Encourage a parent to remove their child from the school roll, or
- Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal permanent exclusion or suspension

Accordingly, we will not suspend or exclude a pupil unlawfully by telling or forcing them to leave, or not allowing them 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.

Any suspension or exclusion will be made on disciplinary grounds, and will not be made:

- Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- Due to a pupil's poor academic performance, or
- Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended or excluded on the above grounds, this will also be considered as 'off-rolling'.

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 September 2023](#).

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](#)
- The [School Inspection Handbook](#), which defines ‘off-rolling’

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

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’.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

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 headteacher

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, 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 headteacher 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 suspend or exclude a pupil, the headteacher 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)
- 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 off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or 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 headteacher 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.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher 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 headteacher decides 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 board 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 board 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

If the pupil is of compulsory school age, the headteacher 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 alternative provision is being arranged, the following information will be included, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents without delay, and provide a reason for the cancellation.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- 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 headteacher 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 headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The headteacher 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 headteacher 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 headteacher 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 headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They 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 board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of 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 headteacher 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 board. Where there is a cancellation:

- The parents, governing board 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 board's duty to hold a meeting and consider reinstatement ceases
- Parents will be offered the opportunity to meet with the headteacher 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 the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as Teams may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

4.2 The governing board

Considering suspensions and permanent exclusions

Responsibilities regarding exclusions are delegated to local governing board – this can be smaller than 3 governors].

The local governing board 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.

Within 14 days of receiving a request, the governing board will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any 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 suspension.

Monitoring and analysing suspensions and exclusions data

The governing board will review, challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision, and managed moves.

The governing board 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
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- Whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it
- The cost implications of directing pupils off-site

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 arrange suitable full-time education to begin from the first day of the exclusion.

5. Considering the reinstatement of a pupil

The governing board 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 board must consider any representations made by parent. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher 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 board, the governing board 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 board is not required to meet and it cannot direct the headteacher 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 board 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 board may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

- Parents (and, where requested, a representative or friend)
- The pupil, if they are aged 17 or younger and it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

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

The governing board 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.

The governing board 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 board cannot do this – see earlier in this section)

In reaching a decision, the governing board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair

- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

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

- The parents
- The headteacher
- 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 board 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 board'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 academy trust 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 academy trust will, at their own expense, 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 board 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.

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. At all times during the review process there must be the required representation on the panel.

- 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
- Current or former 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/director of the academy trust 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)

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 a 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 headteacher 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 1 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 if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing board at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing board and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the governing board to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing board reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the governing board does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the governing board to place on the pupil's educational record

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 board'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 board 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 strategy

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life for the pupil:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Mentoring by a trusted adult
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Part-time timetables will not be routinely used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

8.2 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, a member of senior staff, and any other relevant staff will be invited to 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 board 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.

The governing board and the academy trust should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

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

The data will be analysed every year by SLT. The HT will report back to the governors.

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 characteristic

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.

The multi-academy trust will work with its academies to consider this data, and to analyse whether there are patterns across the trust, recognising that numbers in any 1 academy may be too low to allow for meaningful statistical analysis.

This policy will be reviewed by the governing board every year. At every review, the policy will be approved by the governing board.

11. Links with other policies

This policy is linked to our:

- Behaviour policy
- SEND policy
- SEN information report
- Child protection and Safeguarding Policy

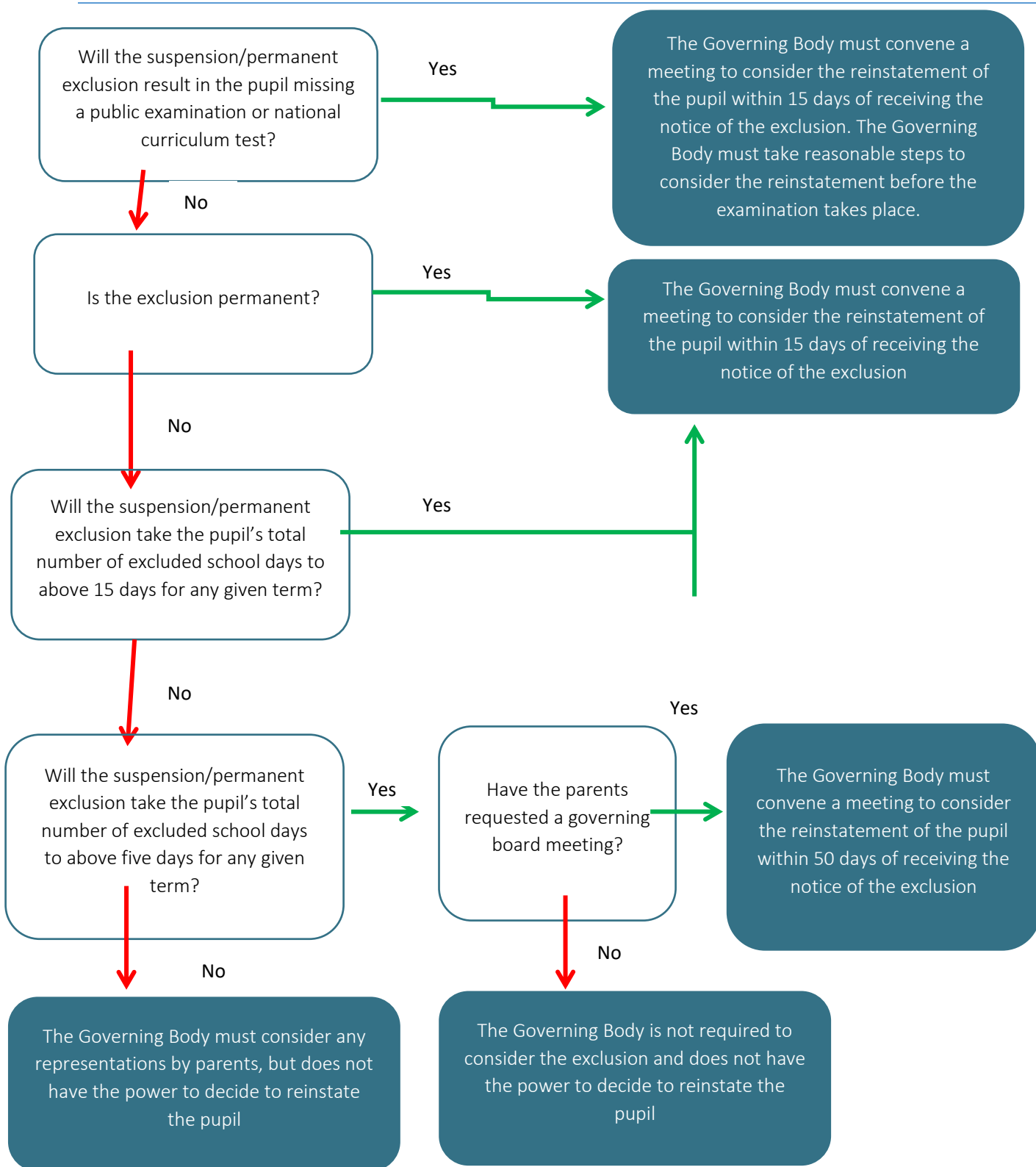
Appendix 1: independent review panel training

The LA 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 1: Reviewing the Headteacher’s Suspension or Permanent Exclusion Decision



Appendix 2: Model Letter 1

From the Headteacher notifying parent of a suspension of 5 school days or fewer in one term, and where a public examination is not missed.



St Felix Roman Catholic Primary School School Lane, Haverhill, Suffolk CB9 9DE

'Followers of Jesus Learning Together'
Headteacher: Mrs. Andi Dodds



Tel: 01440 703775

Fax: 01440 710768

admin@st-felixrc.suffolk.sch.uk

www.stfelixhaverhill.com

[Date]

Dear .

I am writing to inform you of my decision to suspend **[pupil's name]** for a fixed period of **a morning**. This means **[pupil's name]** will not be allowed in school for this period. The suspension begins on **[start date]** and ends on **[finish date]**. **[pupil's name]** should return to school on **[return date]**. Please attend with **[pupil's name]** for a meeting with **Mrs Dodds at**

I realise this suspension may well be upsetting for you and your family, but my decision to suspend **[pupil's name]** has not been taken lightly. **[pupil's name]** has been suspended for this fixed period of **[time period]** because **[detail reason for suspension]**.

You have a duty to ensure your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[pupil's name]** to be completed on school days during [his/her] suspension period. [Detail the arrangements for this]. Please ensure that work set by the school is completed and returned to us promptly for marking.

You have the right to make a written statement about this decision to the governing body. If you wish to do so please contact **[name of CoG]** via the school as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim,

to the First Tier Tribunal (Special Educational Needs and Disability).

<http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see a copy of **[pupil's name]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[pupil's name]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Suffolk County Council who can provide advice. In addition, Parent Partnership is a confidential listening, advice and support service for parents and carers. They can be contacted on 01473 265210 or at parent.partnership@suffolk.gov.uk.

You may also find it useful to contact

- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Statutory guidance can be accessed at

<http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion>

Yours sincerely,

Mrs A Dodds.

Headteacher.

St. Felix RC Primary School, part of the Our Lady of Walsingham Multi Academy Trust registered in England and Wales Number 08444133

Registered Address: St. Louis Catholic Academy, Fordham Road, Newmarket, Suffolk, CB8 7AA



Appendix 3: Model Letter 2

From the Headteacher notifying parent of a suspension of more than 5 and up to and including 15 days in total in one term, or where a public examination would not be missed.

[Date]

Dear .

I am writing to inform you of my decision to suspend **[pupil's name]** for a fixed period of **a morning**. This means **[pupil's name]** will not be allowed in school for this period. The suspension begins on **[start date]** and ends on **[finish date]**. **[pupil's name]** should return to school on **[return date]**. Please attend with **[pupil's name]** for a meeting with **Mrs Dodds at**

I realise this suspension may well be upsetting for you and your family, but my decision to suspend **[pupil's name]** has not been taken lightly. **[pupil's name]** has been suspended for this fixed period of **[time period]** because **[detail reason for suspension]**.

You have a duty to ensure your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[pupil's name]** to be completed on school days during **[his/her]** suspension period. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the sixth school day of **[pupil's name]**'s exclusion **[specify date]** until the expiry of **[his/her]** suspension **[we]** will provide suitable full time education. **[Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter]**.

You have the right to make a written statement about this decision to the governing body. If you wish to do so please contact **[name of CoG]** via the school as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability). <http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see a copy of **[pupil's name]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[pupil's name]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Suffolk County Council who can provide advice. In addition, Parent Partnership is a confidential listening, advice and support service for parents and carers. They can be contacted on 01473 265210 or at parent.partnership@suffolk.gov.uk.

You may also find it useful to contact

- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Statutory guidance can be accessed at

<http://www.education.gov.uk/schools/pupilsupport/behaviour/excursion>

Yours sincerely,

Mrs A Dodds.

Headteacher.

Appendix 4: Model Letter 3

From the Headteacher notifying parent of a suspension which exceeds in total 15 days in one term, and where a public examination would not be missed.

[Date]

Dear .

I am writing to inform you of my decision to suspend **[pupil's name]** for a fixed period of **a morning**. This means **[pupil's name]** will not be allowed in school for this period. The suspension begins on **[start date]** and ends on **[finish date]**. **[pupil's name]** should return to school on **[return date]**. Please attend with **[pupil's name]** for a meeting with **Mrs Dodds at**

I realise this suspension may well be upsetting for you and your family, but my decision to suspend **[pupil's name]** has not been taken lightly. **[pupil's name]** has been suspended for this fixed period of **[time period]** because **[detail reason for suspension]**.

You have a duty to ensure your child is not present in a public place in school hours during this suspension unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

We will set work for **[pupil's name]** to be completed on school days during **[his/her]** suspension period. **[Detail the arrangements for this]**. Please ensure that work set by the school is completed and returned to us promptly for marking.

From the sixth school day of **[pupil's name]**'s exclusion **[specify date]** until the expiry of **[his/her]** suspension **[we]** will provide suitable full time education. **[Set out the arrangements including address of provider. If applicable say something about transport arrangements from home to the alternative provider. If not known, say that the arrangements for suitable full time education will be notified by a further letter]**.

As the length of the suspension brings **[pupil's name]** total number of suspended days to more than 15 school days in total in one term the Governing Body must meet to consider the suspension. At the review meeting you may make representations to the Governing Body if you wish. The latest date on which the Governing Body can meet is **[date here – no later than 15 school days from the date the Governing Body is notified]**. If you and **[pupil's name]** wish to make representations to the Governing Body and wish to be accompanied by a friend please contact **[name of contact]** at **[contact details – address, phone number, email]**, as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please advise if you have a disability or special needs which would affect your ability to attend or take part in a meeting at the school. Also, please inform **[contact]** if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First Tier Tribunal (Special Educational Needs and Disability).

<http://www.justice.gov.uk/tribunals/send>. Making a claim would not affect your right to make representations to the governing body.

You also have the right to see a copy of **[pupil's name]** school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of **[pupil's name]** school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact Suffolk County Council who can provide advice. In addition, Parent Partnership is a confidential listening, advice and support service for parents and carers. They can be contacted on 01473 265210 or at parent.partnership@suffolk.gov.uk.

You may also find it useful to contact

- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Statutory guidance can be accessed at <http://www.education.gov.uk/schools/pupilsupport/behaviour/excursion>

Yours sincerely,

Mrs A Dodds.

Headteacher.

Appendix 5: Model Letter 4

From the Headteacher notifying parent of a permanent exclusion.

Dear [Parent/Carer/Guardian's name],

I regret to inform you of my decision to permanently exclude [pupil's name] with effect from [date]. This means that [pupil's name] will not be allowed in this school unless [he/she] is reinstated by the Governing Body.

I realise that this exclusion may well be upsetting for you and your family, but the decision to permanently exclude [pupil's name] has not been taken lightly. [Pupil's name] has been excluded because [Specify reasons for exclusion and where remaining at St Felix would seriously harm the learning, or welfare of [pupil's name], other pupils or staff in the school and the wider community].

As your child is of compulsory school age, you have a duty to ensure that your child is not present in a public place during school hours throughout the first five days of the exclusion period [specify dates] unless there is reasonable justification for this. I must advise you that you may be liable to prosecution and/or receive a penalty notice from the Local Authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

Alternative arrangements for [pupil's name]'s education to continue will be made. For the first five school days of the exclusion we will set work for [pupil's name] and would ask you to ensure this work is completed and returned promptly to the school for marking [this may be different if supervised education is being provided earlier than the sixth day]. From the sixth school day of the exclusion onwards – i.e. from [specify the date], [Name of Local Authority] will provide suitable full-time education. [Set out the arrangements if known at time of writing, if not known say that the arrangements will be notified shortly by a further letter.]

[Where pupil lives in a Local Authority other than the excluding school Local Authority] I have also today informed [Name of officer] at [Name of Local Authority] of [pupil's name]'s exclusion and they will be in touch with you about arrangements for [his/her] education from the sixth school day of exclusion. You can contact them at [give contact details].

As this is a permanent exclusion the Governing Body must meet to consider it. At the Review Meeting you may make representations to the Governing Body if you wish and ask them to reinstate your child in the school. The Governing Body have the power to reinstate your child immediately or from a specified date, or, alternatively, they may decline to reinstate your child in which case you may request a review of their decision to an Independent Review Panel. The latest date by which the governing body must meet is [specify the date – the 15th school day after the date on which the governing body was notified of the exclusion]. If you and [pupil's name] wish to make representations to the Governing Body and wish to be accompanied by a friend please contact [Name of contact] at [contact details – address, phone number, email], as soon as possible. You will, whether you choose to make representations or not, be notified by the Clerk to the Governing Body of the time, date and location of the meeting. Please let us know if you have a disability or special needs which would affect your ability to attend the meeting. Also, please inform [Contact] if it would be helpful for you to have an interpreter present at the meeting.

You should also be aware that if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review, and/or make a claim, to the First Tier Tribunal (www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/send/index.htm). Alternatively, if you consider your child has been discriminated

against on other Equality Act grounds you have the right to make a claim in the County Court. Making a claim would not affect your right to make representations to the governing body/management committee.

You may request a copy of [pupil's name]'s School record. I will consider such request in accordance with the statutory principles of the Data Protection Act 2018 and General Data Protection Regulations. There may be a charge for this service. You may also wish to contact [Name] at [Local Authority name] at [contact details – address, phone number, email], who can provide advice on what options are available to you.

The Department for Education statutory suspensions and permanent exclusions guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>.

Yours sincerely

Mrs A Dodds

Headteacher

Appendix 6: Model Letter 5

From the Clerk of the Hearings Committee notifying parent of the Hearings Committee's decision not to reinstate a child.

Dear [Parent/Carer/Guardian's name],

The meeting of the Governing Body's Hearings Committee of St Felix RC Primary School on [Date] considered the decision by the Headteacher to permanently exclude [pupil's name]. After carefully considering the representations made and all the available evidence, the Hearings Committee has decided to uphold [pupil's name]'s exclusion.

The reasons for this decision are as follows: [Provide statement used at hearing]

You have the right to a review of this decision by an Independent Review Panel. If you wish to request a Review please notify [Name of the clerk on the appeal panel] of your wish to request a Review. Send your request for a Review to [Address] by no later than [specify the latest date – the 15th day after receipt of this letter]. You must set out the reasons for requesting a review in writing, and if appropriate may also include reference to any disability discrimination claim that you may wish to make. Please advise if you have a disability or special needs which would affect your ability to attend the hearing. Also, please inform [Name of the clerk on the appeal panel] if it would be helpful for you to have an interpreter at the hearing. You have a right to request the attendance of a Special Educational Needs (SEN) Expert at the review, regardless of whether the school recognises that your child has SEN. The SEN's expert's role is to provide impartial advice to the panel how the SEN could be relevant to the exclusion and does not include making an assessment of your child's special educational needs. There is no cost to yourself for this service but you must make clear that you wish for a SEN expert to be appointed in any application review.

You may at your own expense, appoint someone to make written and/or oral representation to the panel to bring a friend with you.

Your request will be heard by the Independent Review Panel, which can also hear disability discrimination claims. A three or five-member panel will comprise of serving, or recently retired (within the last five years) headteacher, serving, or recently serving experienced governors and a lay member who will be the Chair.

The Independent Review Panel will rehear all the facts of the case – if you have fresh evidence to present to the panel you may do so. The panel must meet no later than the 15th school day (during the pandemic, this is extended to 25th day) after the date on which your appeal is lodged. In exceptional circumstances panels may adjourn the hearing until a later date.

Following its review the panel can decide to:

- Uphold your child's exclusion;
- Recommend that the governing body reconsiders its decision, or
- Quash the decision and direct that the Governing Body considers the exclusion again

As stated above you have the right to apply for an Independent Review Panel. In order to assist you to make an informed decision on whether, and if so, how to seek a review please see the information at the end of this letter. In addition if you think the exclusion relates to a disability your child has, and you think disability discrimination has occurred, you have the right to a review and/or make a claim, to the First Tier Tribunal <http://www.justice.gov.uk/tribunals/send/appeals> who have

the jurisdiction to hear claims of discrimination under the Equality Act 2010 or the County Court (for other forms of discrimination). A claim of discrimination made under these routes should be lodged within six months of the date on which the discrimination is alleged to have taken place e.g. the day on which the pupil was excluded.

You may also find it useful to contact the Coram Children's Legal Centre (www.childrenslegalcentre.com), or ACE Education (<http://www.aceed.org.uk>) through their advice line service on 03000 115 142 (open on Monday to Wednesday from 10am to 1pm during term time).

[repeat details from the original exclusion letter, i.e a named LA officer and/or any local sources].

The arrangements currently being made for [Student's name]'s education will continue. [Specify details].

Yours sincerely

[Name]

Clerk to the Hearings Committee

Appendix 7): Model Letter 6

From the Clerk of the Hearings Committee notifying parent of the Hearings Committee's decision to reinstate a child.

Dear (Family name).

Further to the meeting of the Governing Body's' Hearings Committee to review (Pupil's name) Permanent Exclusion from St Felix RC Primary School, I can confirm the decision of the Committee to reinstate (Student's name) to the School.

In reaching its decision, the Committee considered the case for the exclusion, presented by the school, along with your representations, as well as the view given by the Local Authority (if represented). On balance, the Committee felt that (Pupil's name) should be reinstated (provide summary of reasons for decision and verbal statement from the hearing).

In the circumstances, the governors agreed that (Student's name) should return to St Felix RC Primary School on (insert date).

Members of the Hearings Committee hope that (Pupil's name) will establish a successful return to the School. You should be aware that a copy of this letter will be placed on (Pupil's name) school record, along with a copy of my exclusion letter.

I am sure it would be helpful for you to meet with the Headteacher and the Chair of Governors, to discuss (Pupil's name)'s return to school before they are due back. Please could you contact (insert name and contact details - address, telephone number and email) to arrange a mutually convenient date and time.

Yours sincerely,

Clerk to the Hearings Committee

Appendix 8); Hearing Committee Agenda

- 1) Introductions and procedures
- 2) Verbal statement from the School
- 3) Questions to the School from the parent(s), guardian or child
- 4) Questions from the Committee members
- 5) Verbal statement from the parent(s), guardian or child
- 6) Questions from the School
- 7) Questions from the Committee
- 8) Advice/ comments from the Local Authority representative
- 9) Summary statement from the School
- 10) Summary statement from the parent(s) guardian or child
- 11) All parties other than the Committee members and clerk leave the room whilst the Committee discuss and reach a decision
- 12) Committee decision - Decision letter to be sent out without delay.

Policy Name: Exclusion

Policy Date: October 2023

EQUALITY IMPACT ASSESSMENT for SCHOOL POLICIES

		Yes / No	Comments
1.	Does the Policy/Guidance affect one group less or more favourably than another on the basis of:		
	• Age (for policies affecting staff)	N	
	• Disability	N	Monitoring of vulnerable groups included
	• Sex	N	
	• Gender reassignment	N	
	• Pregnancy/maternity	N	
	• Race (which includes colour, nationality and ethnic or national origins)	N	
	• Sexual orientation	N	
	• Religion or belief	N	
	• Marriage / civil partnership	N	
2.	Is there any evidence that some groups are affected differently?	N	
3.	If we have identified potential discrimination are any exceptions reasonable, legal and justifiable?		
4.	Is the impact of the policy/guidance likely to be negative?		
5.	If so, can the impact be avoided?		
6.	What alternatives are there to achieving the policy/guidance without the impact?		
7.	Can we reduce the impact by taking different action?		