

Suspension and Exclusion Policy 2024- 2025



Lord Gowthorpe's Suspension and Exclusion Policy

2024- 2025

Review		
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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/carers 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' 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

In addition to this policy, Headteachers, governing bodies, local authorities and independent appeal panels should have regard to DfE Statutory Guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil

movement Suspension and permanent exclusion guidance September 2023

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1181584/Suspension_and_permanent_exclusion_guidance_september_23.pdf

Other legislation contributing towards this policy:

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

Related School Policies

- Behaviour Policy
- Equality and Diversity Policy
- Anti-Bullying Policy

3. Definitions

- Suspension – when a pupil is removed from the school for a fixed period.
- 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.
- 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
- Understand the needs of the pupil contributing towards behaviour
- 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 able to have their views expressed through an advocate, such as a parent/carer 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/carers

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents/carers 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/carers 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/carers 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'/carers' 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/carers 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/carers 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/carers 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/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, 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 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 Google classroom 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 Body

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to least 3 governors.

The governing board has a duty to consider parents/carers 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 body will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months.

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

The governing body does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

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 parents. However, it is not required to arrange a meeting with parents/carers 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 body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the body 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 body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the chair of the governing board (or the vice-chair, if necessary) 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/carers (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
- A representative of the local authority

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

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

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/carers
- 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'/carers' 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/carers)
- 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/carers have a right to require the LA 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/carers for this appointment
- That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review

- That parents/carers 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/carers 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/carers apply for an independent review within the legal timeframe, the LA 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/carers. 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 LA 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 LA, 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 LA, 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 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/carers 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)/carer(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
 - Daily contact in school with a designated pastoral staff member, keyworker or SLT
 - Mentoring by a trusted adult or a local mentoring charity
 - 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 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/carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

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

The school expects all returning pupils and their parents/carers 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 LA 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
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

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.

This policy will be reviewed by [name of role/individual] every [number] years. At every review, the policy will be approved by the governing board.

Appendices - Documents which contribute towards our suspension/exclusions

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 2: NYC Local Authority Suspension/Exclusion Guidelines for Headteachers of Maintained Schools, Pupil Referral Services and Academies

<p>FIXED TERM (FTS) up to and including 5 days in one term <i>Use Model Letter 1</i></p>	<p>FIXED TERM (FTS) of more than 5 days and up to 15 days in one term (cumulatively) <i>Use Model Letter 2</i></p>	<p>FIXED TERM (FTS) of more than 15 days in one term and no more than 45 days in school year (cumulatively) <i>Use Model Letter 3</i></p>	<p>PERMANENT (PEX) <i>Use Model Letter 4</i> NB: The headteacher can withdraw an exclusion prior to the Governors meeting</p>
<ul style="list-style-type: none"> • Immediately contact parents or carers to inform them of the type, length and reason(s) for suspension/exclusion • Use the appropriate model letter (see above) to inform (in writing) parents or carers of the suspension/exclusion and their right to make representations to the Governing Body PDC • Make arrangements for setting and marking work for the first 5 days of any suspension/exclusion and inform parents of this • Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable. 			

<ul style="list-style-type: none"> • Inform LA of the suspension/exclusion within one school day (for statutory monitoring purposes) completing form EX1/FT and forwarding along with a copy of the letter sent to parents to exclusions@northyorks.gov.uk • Update local suspension database (for internal school use) • Make arrangements for a re-integration meeting to plan how future behaviour will be managed • In the case of a permanent exclusion, please see 'Pupil Disciplinary Meeting Checklist' document 	<ul style="list-style-type: none"> • Inform LA (and Home LA if not North Yorkshire) of the exclusion (for statutory monitoring purposes) completing form EX1/P within one school day to ensure 6th day provision can be arranged in line with statutory timescales • Make a referral to the Early Help Service for support for the family (ideally with parental consent, though this is not necessary)
<ul style="list-style-type: none"> • Ensure all statements and other documentation (including from parents/carers) together with a list of participants is available and circulated before any PDC meeting to all who will be attending (including parents/carers, the PDC, the LA and the pupil, if attending) • Following the meeting, comply with PDC decision to either uphold the suspension/exclusion or else reinstate the pupil immediately (or on a specific date) 	
<ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day • If two suspensions run consecutively and total more than 5 days the school MUST provide full time education from the 6th day 	<p>Maintain the excluded pupil on the school roll until any legal process has completed (i.e. the deadline has passed for a parental appeal to an Independent Review Panel)</p>

Please note the following key information from the Statutory Guidance:

- Letters may need to be translated into other languages where the parents/carers first language is not English
 - Where a suspension/exclusion would result in a pupil missing a public examination or national curriculum test, the PDC must, so far as is reasonably practicable, consider the suspension/exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to convene before the examination or test, the chair of governors, in the case of a maintained school may consider the suspension/exclusion alone
 - A child in the care of the LA (or in voluntary care) should not be suspended/excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full-time provision from Day 1
 - At all stages of the process, the range of interventions available to the school to meet the needs of the pupil must be considered before resorting to suspension/exclusion
 - Suspended/Excluded pupils should be enabled and encouraged to participate at all stages of the process, taking into account their age and understanding
 - Pupils aged 18 or over have the right to represent themselves instead of parent/carer
 - Any decision to suspend/exclude must be made in line with the principles of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate
- Governors should not interpret a parental acceptance of full-time education off-site as signalling agreement with the Headteacher's decision to suspend/exclude

Appendix 3: NYC Managing Suspension Checklist

Managing the suspension/exclusion process: CHECKLIST – 04/2023

Please use this checklist alongside the DfE guidance and the LA suspension/exclusion summaries for Headteachers and Governors

Pre suspension/exclusion: ask the LA for advice and, if in any doubt, consider fixed term suspension pending further consideration, maintaining the right to issue a permanent exclusion if further evidence comes to light

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Organisation following the suspension/exclusion – again, contact LA with any queries

- | | |
|---|--------------------------|
| Immediate notification to parents/carers – type, length, reasons for suspension/exclusion (use model letters provided) – if the child has a Social Worker or is LAC then you MUST now contact their Social Worker and/or Virtual School Head | <input type="checkbox"/> |
| Notification to Local Authority use appropriate notification form – within 1 school day or immediate if permanent | <input type="checkbox"/> |
| Refer to Locality Hub and/or Inclusion Panel if permanent exclusion <i>or</i> notify Home LA if not North Yorkshire | <input type="checkbox"/> |
| Refer to Early Help Service to support family through the process (permanent exclusions only – Parental consent not required) | <input type="checkbox"/> |
| If EHCP, contact the assigned caseworker to initiate an interim review (for both permanent exclusions and fixed-term suspensions) | <input type="checkbox"/> |
| Carry out any on-going investigations – adult and pupil witnesses, suspended/excluded pupil statement, parental/carer viewpoint | <input type="checkbox"/> |
| Offer the parents/carers access to the Team Around the Family (TAF) process | <input type="checkbox"/> |
| Make arrangements for setting and marking work for the first 5 days of the suspension/exclusion | <input type="checkbox"/> |
| Make arrangements for educational provision from day 6 – if fixed term (LA arranges when permanent) – inform parents | <input type="checkbox"/> |
| Notify clerk to governors and check that they are up to speed with their role: 'Clerking A Pupil Discipline Committee' (doc) | <input type="checkbox"/> |
| Notify governors & arrange meeting of Pupil Discipline Committee (3), pupil, parents/carers, LA* - mutually convenient time | <input type="checkbox"/> |
| Produce Headteacher report & gather all relevant documentation. Send this to the LA so a Statement of Case can be produced | <input type="checkbox"/> |
| Circulate documentation, with agenda and list of those attending 5 school days prior to meeting – paper copies to parents | <input type="checkbox"/> |
| Encourage suspended/excluded pupil and parents to attend the meeting | <input type="checkbox"/> |

* Academies do not have to invite LA – parents and school can request LA representation at meeting, speak if panel requests

Documents- to be distributed - all parties must receive the same information

History of Challenging Behaviour (only if persistently disruptive behaviour – if the incident is a one-off this should not be included unless it can be shown that it is relevant to the incident)

Record or plan of current provision/interventions/strategies/targets: IPM, IEP, or Risk Assessment

Record and impact assessment of provision over time

Incident/response/rewards log

Whole school provision map for SEMH (including behaviour)

Records/reports related to the incident/suspension/exclusion

Headteacher's report – reason for the suspension/exclusion and the case behind this

Statement from the suspended/excluded student, signed and dated, with Locality Hub Keyworker/Early Help support if necessary

Witness statements from staff and students, LA pro forma available (if good reason for doing so, student versions can be anonymised prior to circulation, with signed, dated versions kept on file - may be required at Independent Review Panel)

Local Authority Statement of Case – the suspension/exclusion and how it relates to the guidance

Policies (or sections of policies) - as relevant to the specific suspension/exclusion/student

E.g. Behaviour/suspension/exclusion, SEND, Anti-bullying, Drugs, Restrictive Physical Intervention, Single Equalities Scheme

On the day – most of this is for the clerk and governors to organise

Arrange the room so that the pupil and parents do not feel intimidated

Have a spare set of papers available in case family do not bring their set to the meeting

Allow reading time for any papers that have not been circulated prior to the meeting

Only the governors and clerk meet prior to the start of the meeting – everyone else remains outside the room

Allow time for parents to arrive if they are not present at the start – try to contact to remind/check attendance (clerk)

Introduction by the Chair – stick to the agenda with clerk taking notes

Encourage pupil to contribute to the meeting

All leave the room, except clerk, whilst governors deliberate and come to their decision

Outcome can be fed back at the time **and/or** via written notification – same day or second working day if posted

If upheld, the letter of notification must advise on the parents' right to request an independent review of the decision plus right to request for an SEN expert to be present at the Independent Review Panel for a Permanent exclusion