Middlemarch School

As a family we achieve

Suspension and Exclusions Policy

Person responsible	Georgina Mawdsley
Governor appointed	Victoria Smith
Date of Last review	April 2024
Date adopted by Governors	June 2025
	No changes
Date of next review	April 2026
Signature of Chair of Governors	

Contents

1. Aims.....4

2. Legislation and statutory guidance 4

3. The decision to exclude 4

4. Suspension 5

5. Permanent Exclusion.....6

6. School Day 6

7. Cancelling an exclusion 6

8. Roles and responsibilities.....6

9. Considering the reinstatement of a pupil.....8

10. An independent review 11

11. School registers..... 11

12. Returning from a fixed-term exclusion 12

13. Monitoring arrangements..... 12

14. New Practices..... 13

15. Links with other policies
.....13

1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents/carers and pupils
- Pupils in school are safe and happy

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1159438/Suspension_and_permanent_exclusion_guidance_-_May_2023.pdf

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

- Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Education and Inspections Act 2006,
- 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 Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement guidance (the "**Exclusion Guidance**") was updated again in September 2023.

3. The decision to exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil on disciplinary grounds from school. A pupil may be suspended for one or more fixed periods (up to a

maximum of 45 school days in a single academic year), or permanently excluded. A permanent exclusion will be taken as a last resort.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, are made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher applies the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher accepts that something happened if it is more likely that it happened than that it did not happen. The headteacher takes account of their legal duty of care when sending a pupil home following an exclusion.

Headteacher also takes the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They inform the pupil about how their views have been factored into any decision made.

Where relevant, the pupil is given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.

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

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

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

4.Suspension

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that is set out within the school's behaviour policy.

A pupil may be suspended for one or more fixed periods17 (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of our school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, the headteacher and school consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

During a suspension, pupils still receive their education. The Headteacher takes steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising any online pathways such as Oak National Academy.

The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways will always be recorded as a suspension.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty

to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

The law does not allow for extending a suspension or ‘converting’ a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension

A 'fixed period' means that a suspension on disciplinary grounds can't be open ended but must have a defined end date that is fixed at the time when the suspension is first imposed or a permanent exclusion may be issued to begin immediately after the end of the suspension.

5.Permanent exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently will only be taken:

• in response to a serious breach or persistent breaches of the school's behaviour policy; and

• where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil’s social worker) will also be considered.

6. School Day

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

7. Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

• The headteacher must notify the parents 19 , the governing board, the LA and the pupil’s social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;

• The governing board’s duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;

• Parents should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which will be arranged without delay.

•The pupil must be allowed back into the school from which they were excluded 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

8. Roles and responsibilities

8.1 The headteacher

Informing parents

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

- The reason(s) for the suspension or exclusion
- The length of a fixed-term suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

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

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

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

8.2 Informing the governing board

The headteacher will immediately notify the governing board of:

• any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);

• any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and

• any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

When removing a pupil from the school roll, the governing board must ensure this is done under the circumstances prescribed by the Education (Pupil Registration) as amended. If applicable, the pupil's name will be removed from the school roll at the appropriate time.

8.3 Informing the local authority

The local authority will be informed without delay of all school exclusions regardless of the length of the exclusion.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay. The headteacher will also inform the governing board once per term of any other suspensions of which they have not previously been notified.

Notifications will include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent. The local authority may reasonably wish to request this information in a standardised format. In doing so, they should take care to minimise the administrative burden this can place on schools.

8.4 The governing board

Responsibilities regarding exclusions are delegated to the disciplinary committee consisting of at least 3 governors.

The disciplinary committee has a duty to consider the reinstatement of an excluded pupil (see section 6).

The governing board has a duty to consider the reinstatement of an excluded pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the LA if you are a maintained school or pupil referral unit (PRU) with information about any exclusions in the last 12 months.

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

8.5 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

9. Considering the reinstatement of a pupil

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold executive leaders to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties. Governing board meetings can be held via the use of remote access (for example, live video link) if requested by a parent or due to extraordinary events or unforeseen circumstances.

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors.

The governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub committee consisting of at least three governors.

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

• it is a permanent exclusion;

• it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term;

• it would result in the pupil missing a public examination or national curriculum test

The requirements are different for suspensions where a pupil would be excluded for more than five but not more than 15 school days in a term . In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

The following parties must 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 headteacher

• the child's social worker if the pupil has one; and

• the VSH if the child is LAC.

In the case of a pupil who has been excluded for any more than 15 school days, for example for 15.5 school days, in a term, the governing board must consider and decide on reinstatement within 15 school days.

Where the chair is unable to make this consideration, then the vice chair may do so instead.

The governing board must make reasonable endeavours 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. Its decision will not be invalid simply on the grounds that it was not made within these time limits.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Taking into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

The governing board disciplinary committee will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

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

If requested to do so by parents,the governing board disciplinary committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the governing board disciplinary committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the

chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The governing board disciplinary committee can either:

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

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

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

The governing board disciplinary committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the governing board's disciplinary committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
    - The date by which an application for an independent review must be made
    - The name and address to whom an application for a review should be submitted
    - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
    - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
    - Details of the role of the SEN expert and that there would be no cost to parents for this appointment
    - That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
    - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

10. An independent review

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

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board disciplinary committee of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the LA, or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the 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)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

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

11. School registers

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

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

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

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

12. Returning from a suspension

Schools should support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction.

School will design a reintegration strategy that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school should communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. It is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

School will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.

A part-time timetable will not be used to manage a pupil's behaviour and will only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time education, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing a part-time timetable with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and must treat absence as authorised.

Schools can consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to: • Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;

- Daily contact with a designated pastoral professional in school;

• Use of a PIP with personalised targets leading to personalised rewards; • Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;

• Planned pastoral interventions;

• 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.

13. Monitoring arrangements

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

This policy will be reviewed by the Headteacher every 2 years. At every review, the policy will be approved by and shared with the governing body.

14. NEW PRACTICES

The impact of the Covid-19 pandemic resulted in radical changes to how exclusion meetings could take place. In the context of an exclusion from school, a governing body or independent review panel could meet remotely. This was formerly a temporary change, but it has now been made permanent, given that often in practice it is more convenient for parents/guardians to meet remotely.

With regard to the format of the governing body's review meeting or the independent review panel hearing, the Exclusion Guidance confirms that face to face meetings should always be encouraged and the availability of virtual meetings does not make it the default option. However, if a virtual meeting is to be held, the parties should ensure that they understand the proceedings and how to raise any issues.

15. Links with other policies

This exclusions policy is linked to our

- Behaviour regulation and relationships policy
- SEN policy and information report

Appendix 1: Independent review panel training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

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