Suspension Policy

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Aims

Our school aims to ensure that:

- The suspension process is applied fairly and consistently.
- The suspension process is understood by trustees, staff, parents and pupils.
- Pupils in school are safe and happy.
- Pupils do not become NEET (not in education, employment or training).
- Suspensions are used only when necessary and after consideration of all relevant circumstances.
- Appropriate support is provided to pupils following a suspension to promote successful reintegration.

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.

It is also based on the following legislation:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Sections 64 to 68 of the School Standards and Framework Act 1998
- Part 7, Chapter 2 of the Education and Inspections Act 2006
- Section 579 of the Education Act 1996
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended

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

The Decision to Suspend

Only the Headteacher, or Acting Headteacher, can suspend a pupil from school. Permanent exclusion will only be used as a last resort.

A decision to suspend a pupil will only be taken:

- In response to serious 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.

Before making a decision to suspend a pupil, either permanently or for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence.
- Consider whether the incident was provoked.
- Allow the pupil to give their version of events where appropriate.

- Consider whether the pupil has Special Educational Needs and/or Disabilities (SEND).
- Consider whether the pupil has a disability under the Equality Act 2010.
- Consider whether the pupil is a looked-after child, previously looked-after child, or has a social worker.
- Consider any safeguarding concerns or vulnerabilities.
- Consider whether reasonable adjustments and appropriate support have been provided.
- Consider whether further intervention could be implemented as an alternative to suspension.

The school will take account of its duties under the Equality Act 2010 when making decisions regarding suspension.

Definition

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

Roles and Responsibilities

The Headteacher

Informing Parents

The Headteacher will immediately provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension.
- The length of a fixed-term suspension or, in the case of a permanent exclusion, confirmation that the exclusion is permanent.
- Information about parents' right to make representations to the Board of Trustees and how the pupil may be involved.
- Notification where there is a legal requirement for the Board of Trustees to consider reinstatement and parents' right to attend and be represented at the meeting, and to bring a friend.

The Headteacher will also notify parents by the end of the afternoon session on the day their child is suspended that, for the first five school days of a suspension, or until alternative provision begins if earlier, parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification.

Parents may be issued with a fixed penalty notice or be prosecuted if they fail to comply with this requirement.

If alternative provision is arranged, parents will be informed of:

- The start date.
- Start and finish times.
- The address of the provision.
- Any reporting arrangements for the pupil.

Where this information is not available on the day of suspension, it will be provided as soon as reasonably practicable and no later than 48 hours before the provision begins, except where parental agreement permits a shorter notice period.

Informing the Board of Trustees and Local Authority

The Headteacher will immediately notify the Board of Trustees and the Local Authority of:

- Any permanent exclusion, including where a fixed-term suspension is converted into a permanent exclusion.
- Suspensions which would result in a pupil being suspended for more than five school days, or more than ten lunchtimes, in a term.
- Suspensions that would result in a pupil missing a public examination or national curriculum assessment.

For permanent exclusions, where the pupil lives outside the Local Authority in which the school is located, the pupil's home authority will also be informed.

For all other suspensions, the Headteacher will notify the Board of Trustees and Local Authority once per term.

The Board of Trustees

Responsibility for considering suspensions is delegated to the appropriate committee of the Board of Trustees.

The committee has a duty to consider the reinstatement of a suspended pupil where required by legislation.

The Local Authority

For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education from the sixth school day following the exclusion.

Considering the Reinstatement of a Pupil

The Board of Trustees will consider reinstatement within 15 school days of receiving notice of the suspension if:

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

If requested by parents, the Board of Trustees will consider reinstatement within 50 school days where the pupil has been suspended for more than five but fewer than 15 school days in a single term.

Where a suspension would result in a pupil missing a public examination or national curriculum assessment, the Board of Trustees will consider reinstatement before the date of the examination wherever practicable.

The Board of Trustees may:

- Decline to reinstate the pupil.
- Direct reinstatement immediately.
- Direct reinstatement from a specified date.

In reaching a decision, the Board of Trustees will consider whether the suspension was lawful, reasonable and procedurally fair and whether the Headteacher complied with their legal duties.

Decisions will be based on the balance of probabilities.

Minutes of meetings will be taken and retained, together with records of the evidence considered. Outcomes will be recorded on the pupil's educational record.

The Board of Trustees will notify the Headteacher, parents and the Local Authority of its decision and the reasons for it without delay.

For permanent exclusions, the notification will also include:

- Confirmation that the exclusion is permanent.
- Parents' right to request an independent review panel.
- The deadline for making an application.
- Details of where the application should be sent.
- The grounds on which a review may be requested.
- Information regarding SEND considerations.
- The right to request the appointment of an SEN expert.
- Details of the SEN expert's role.
- Parents' right to be represented and to bring a friend.
- Information regarding claims under the Equality Act 2010.

An Independent Review

If parents apply for an independent review, the Academy Trust will arrange an independent review panel to consider the decision of the Board of Trustees not to reinstate a permanently excluded pupil.

Applications must be made within 15 school days of parents receiving notification of the Board of Trustees' decision.

A panel of three or five members will be constituted from the following categories:

- A lay member who will chair the panel.

- School governors or trustees with at least 12 consecutive months' experience within the previous five years.
- Headteachers, or individuals who have served as a Headteacher within the previous five years.

No individual may serve on a review panel if they:

- Are a member of the Academy Trust or Board of Trustees of the excluding school.
- Are the Headteacher of the excluding school or have held this role within the previous five years.
- Are employed by the Academy Trust, except where employed as a Headteacher elsewhere.
- Have any connection with the school, trust, parents, pupil or incident that could reasonably call their impartiality into question.
- Have not received the required training within the preceding two years.

A clerk will be appointed to the panel.

The panel may:

- Uphold the Board of Trustees' decision.
- Recommend that the Board of Trustees reconsider reinstatement.
- Quash the decision and direct reconsideration where the decision is found to be flawed.

The panel's decision will be determined by majority vote. In the case of a tied decision, the Chair will have the casting vote.

School Registers

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

- Fifteen school days have passed since parents were notified of the decision not to reinstate and no application for an independent review has been submitted; or
- Parents have confirmed in writing that they will not request an independent review.

Where an independent review has been requested, the school will wait until the review has concluded before removing the pupil's name from the register.

Where alternative provision has been arranged and attended, attendance code B or D will be used as appropriate.

Where suspended pupils are not attending alternative provision, code E will be used.

Returning from a Fixed-Term Suspension

Following a fixed-term suspension, a reintegration meeting will be held involving:

- The pupil.
- Parents or carers.
- A member of the senior leadership team.

- Other relevant staff, where appropriate.

The purpose of the meeting will be to:

- Review the circumstances leading to the suspension.
- Identify any underlying needs or barriers to success.
- Review any safeguarding concerns.
- Consider SEND needs and reasonable adjustments.
- Agree strategies to support successful reintegration.
- Establish expectations for behaviour, attendance and engagement.

The following support measures may be implemented:

- A behaviour support plan.
- A behaviour report card.
- Pastoral support.
- Referral to additional services where appropriate.
- A managed programme of support within school.
- Suspension within school where appropriate and in accordance with the Behaviour Policy.

Monitoring Arrangements

The Headteacher will monitor the number, length and patterns of suspensions each term and report to the Board of Trustees.

The Headteacher will also liaise with the Local Authority to ensure suitable full-time education is available for excluded pupils where required.

This policy will be reviewed annually by the Headteacher and approved by the Board of Trustees.

Links with Other Policies

- Behaviour & Relationships Policy
- SEND Policy and Information Report
- Safeguarding and Child Protection Policy
- Attendance Policy

Appendix 1: Independent Review Panel Training

The Academy Trust must ensure all members of an independent review panel and clerks have received training within the two years prior to the review.

Training must cover:

- Relevant legislation, regulations and statutory guidance relating to suspensions and exclusions.
- Principles of procedural fairness and natural justice.
- The role of the Chair and Clerk.
- Duties under the Equality Act 2010.
- Duties arising from the Human Rights Act 1998.
- The principles applicable to judicial review and their relationship to panel decision-making.