



THE
BRIAN CLARKE
CHURCH OF ENGLAND ACADEMY

SUSPENSIONS AND EXCLUSIONS POLICY

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1. Policy Statement

We want all our students to be everything they can be and everything they are meant to be – to be able to live life in all its fullness (John 10.10).

1.1 The Brian Clarke CE Academy's aim is that students will learn in a calm, well-ordered, safe, and supported environment where teachers can teach and students can learn without interruption, where people are listened to, and where the whole community can flourish.

1.2 High standards of behaviour are expected and modelled and promoted during the school day and beyond the school gates.

1.3 Pastoral policy, curriculum and processes support students' learning development and self-regulation.

1.4 Behaviour policy sets out clear expectations for rewards and sanctions.

1.5 In a small number of cases, a student's poor behaviour or failure to respond to help and support may result in them being temporarily suspended, or when absolutely necessary and as a last resort, permanently excluded from the school by the headteacher.

2. Aims of the Suspension and Exclusion Policy

The Brian Clarke CE Academy aims to ensure that:

2.1 Students in school are safe and happy.

2.2 The Suspension and Exclusion Policy is applied fairly and consistently.

2.3 The Suspension and Exclusion Policy is understood by local governors, staff, parents/carers, and students.

2.4 All decisions are lawful, reasonable, fair, and proportionate.

2.5 Communication is clear.

2.6 Preventative measures and support for the student, including safeguarding and wellbeing needs will run parallel to the exclusion and suspension procedures.

2.7 Students do not fall out of education or become NEET (not in education, employment, and training).

2.8 This policy should be read in conjunction with the following policies:

- Anti-Bullying
- Behaviour
- SEND
- Safeguarding and Child Protection
- Equalities

3. Legislation and Statutory Guidance

This policy is underpinned by the following legislation and guidance:

- [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/752212/suspension-and-permanent-exclusion-guidance-september-2023.pdf)
- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Student Exclusions and Reviews\) \(England\) Regulations 2012](#)
- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded students
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)

4. Definitions

4.1 **A suspension** occurs when a student is temporarily removed from the school. Suspension is part of the school's behaviour policy and is used to provide a clear signal of unacceptable behaviour and show a student that their current behaviour is putting them at risk of permanent exclusion.

4.2 A student may be suspended for one or more fixed periods up to a maximum of 45 school days in a single year. A suspension does not have to be for a continuous period.

4.3 **A school day** is any day on which there is a school session. Staff training days do not count as school days.

4.4 **A permanent exclusion** means that the student is removed from the school's register.

4.5 **The Local Governing Committee** of the school is the body to which the Trust Board of the Cranmer Education Trust delegates responsibility for the governance and local monitoring of the Suspension and Exclusion Policy

4.6 **The Exclusions and Suspensions Sub-Committee** is the body established by the Local Governing Committee within each school in the trust to exercise the governance duties of considering the reinstatement of an excluded or suspended student

4.7 **A parent** is defined in the Education Act 1996 as:

- The child's birth parents
- Any person who has parental responsibility (including the Local Authority, where it has a care order in respect of the child)
- Any person (e.g., a foster carer) who has care of the child

4.8 **Alternative Provision** is suitable full-time education that is arranged for a student from the sixth school day (or earlier) of a suspension, or the sixth school day (or earlier) after the first day of a permanent exclusion.

5. The Decision to Exclude

5.1 Only the headteacher, (or, in their absence, the acting headteacher, or teacher in charge) can suspend or exclude a student. The decision to permanently exclude will be taken as a last resort.

5.2 A student's behaviour outside school can be considered grounds for a suspension or a permanent exclusion.

5.2 Off-rolling is unlawful. Ofsted defines off-rolling as:

"...the practice of removing a student 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 student."

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

5.4 A decision to exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others

5.5 Before deciding whether to exclude a student, either permanently or for a fixed period, the headteacher will:

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

5.6 When establishing facts, the headteacher must apply the civil standard of proof: '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'.

6. Roles and Responsibilities

6.1 The headteacher

6.1.1 Informing parents

The headteacher will immediately provide the following information, in writing, to the parents of a suspended/excluded student:

- The reason(s) for the suspension/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/exclusion to the governing board and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the local governing committee to meet to consider the reinstatement of a student, 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 notify parents (by the end of the afternoon session on the day their child is suspended) that for the first 5 school days of a suspension, 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.

6.1.2 If the student has a social worker or if they are looked after by the Local Authority, the social worker and / or Virtual School Head will also be notified.

6.1.3 If alternative provision is being arranged, the following information will be included when notifying parents of a suspension:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the student to identify the person they should report to on the first day
- Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

6.1.4 Informing the Local Governing Committee and Local Authority - schools must notify the Local Authority without delay regardless of the length of the suspension.

The headteacher will immediately notify the Local Governing Committee and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period suspension is followed by a decision to permanently exclude a student
- Suspensions which would result in the student being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions / exclusions which would result in the student missing a public examination

For a permanent exclusion, if the student lives outside the LA in which the school is located, the headteacher will also immediately inform the student's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other suspensions, the headteacher will notify the Local Governing Committee once a term.

6.2 Education provision for excluded and suspended students: responsibilities

6.2.1 The school's obligation to provide education continues whilst the student is on roll. Work will be set and marked in accordance with school policies from day 1 of the period of suspension or exclusion. For students with SEND, adaptations are made in line with their SEND.

6.2.2 For permanent exclusions, the Local Authority is responsible for arranging suitable full-time education from no later than the sixth day of the exclusion.

6.3 Cancelling exclusions

The headteacher may cancel any exclusion that has already begun. The headteacher can cancel exclusions that have not yet started. Where an exclusion is cancelled, then:

- Parents, the Local Governing Committee, and the LA will be notified without delay and, if relevant, the social worker and VSH.
- Parents will be offered the opportunity to meet with the headteacher to discuss the circumstances and reasons that led to the exclusion being cancelled.
- The headteacher will report to the Local Governing Committee per term on the number of exclusions which have been cancelled. This will include circumstances and reasons for cancellation enabling the Committee to have appropriate knowledge and understanding.
- The student will be allowed back into school.
- Any days out of school before a cancelled suspension/exclusion will count towards the maximum of 45 days that a student can be suspended in any school year
- A permanent exclusion cannot be cancelled if a student has already been suspended for more than 45 days in a school year
- Where there has been a cancelled suspension/exclusion, the same support will be offered to the student as would be offered to a suspended student on their return to school
- In the case of a cancelled suspension/exclusion, the Governing board's duty to consider reinstatement stops, so they do not have to meet

6.4 Considering the reinstatement of a student

6.4.1 It is the duty of governance to consider the reinstatement of a suspended or permanently excluded student. The Trustees of the Cranmer Education Trust have delegated this responsibility to the Local Governing Committee of The Brian Clarke CE Academy. The Local Governing Committee will form a Suspension and Exclusion Sub-Committee.

6.4.2 The Suspension and Exclusion Sub-Committee which meets to consider any exclusion will be made up of at least three committee members, none of whom have any connection with the student or incident that would affect their ability to act impartially. All reasonable endeavours will be made for the panel of 3 to be arranged within the relevant time limit and at a time that suits all relevant parties, including if necessary, involving trained governors from other trust schools within CET. If it is not possible to convene a panel of 3, the decision may be made by one or 2 members of the committee. The Chair has the casting vote in all cases where an even number of committee members are considering the case. A Clerk to Exclusion Review Panel will manage the administrative arrangements.

6.4.3 The Sub-Committee will consider the reinstatement of a suspended/ excluded student within 15 school days or receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed term suspension which would bring the student's total number of school days of suspension is more than 15 in a term
- It would result in a student missing a public examination

The Sub-Committee will make all efforts to hold the meeting before the examination/test but if this is not possible, the Chair of the Local Governing Committee (or the Vice-Chair if the Chair is not available) can consider the exclusion independently and decide whether or not to reinstate the student. Parents have the right to make representations.

6.4.4 If requested to do so by parents, the panel will consider the reinstatement of a suspended student within 50 school days of receiving notice of the exclusion if the student would be suspended from school for more than 5 school days, but less than 16, in a single term. When students have been suspended for any more than 15 days, including 15.5 days in a term, the governing board must consider reinstatement within 15 days.

6.4.5 The Exclusions and Suspensions Sub-Committee can either:

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

In reaching a decision, the Sub-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' rather than the criminal standards of "beyond reasonable doubt," as well as any evidence that was presented in relation to the decision to exclude.

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

6.4.7 The Suspension and Exclusion Sub-Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

6.4.8 Where an exclusion is permanent, the Sub-Committee's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the student's SEND is considered to be relevant to the exclusion
 - That, regardless of whether the excluded student has recognised SEND, parents have a right to require the Cranmer Education Trust to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert will be given and assurances that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND 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

6.4.9 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 under these rules should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

6.5 Meeting arrangements – use of online meeting video links

Face to face meetings will always be encouraged; remote access will be offered only if a face-to-face meeting is not possible. Governing board reinstatement meetings and IRPs can be held via the use of remote access (for example, live video link) for suspension and permanent exclusions if requested by the parents, provided certain criteria are satisfied. In all cases, the school will seek to arrange suitable face to face meeting arrangements.

6.5.1 Parents will be informed of their right to request a remote meeting following the suspension/exclusion of their child

6.5.2 Meetings can also be remote in unforeseen or extraordinary circumstances e.g., forced school closure for floods, fire, or infectious disease

6.5.3 Where extraordinary circumstances do not apply and parents do not request a remote meeting, the meeting must be held in person

6.5.4 Where there is a need or request for a remote meeting, governing boards and arranging authorities should confirm that the participants are fully able to engage with the meeting, and that the meeting can be held fairly and transparently. If this is not the case (e.g., technical issues) then the Governing body need to arrange a further face-to-face meeting.

6.5.5 Even if the meeting is held face to face, social workers and VSH should be given the option to join remotely if unable to join in person

7. An Independent Review

7.1 If parents apply for an independent review, the Cranmer Education Trust will arrange for an independent panel to review the decision of the Sub-Committee not to reinstate a permanently excluded student.

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

7.3 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's 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 director of the Cranmer Education Trust or Local Governing Committee 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 Cranmer Education Trust or the Local Governing Committee 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 Cranmer Education Trust, school, Local Governing Committee, parents or student, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see Appendix 1) for what training must cover)

A clerk will be appointed to the panel.

7.4 The independent panel will decide one of the following:

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

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

8. School Registers

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

- 15 school days have passed since the parents were notified of the exclusion Sub-Committee's decision to not reinstate the student 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

8.2 Where an application for an independent review has been made, the Local Governing Committee will wait until that review has concluded before removing a student's name from the register.

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

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

9. Returning from a fixed-term suspension

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

9.2 The following measures may be implemented when a student returns from a fixed-term suspension:

- Agreeing a behaviour contract

- Putting a student 'on report'
- Internal isolation
- Restorative conversations
- Timetable adaptations
- Alternative Provision

9.3 If the student's parent is unwilling or unable to attend a reintegration meeting, the student will not be prevented from returning to school. The student will have a reintegration meeting with appropriate pastoral and senior staff. The student may be reintegrated via internal exclusion and/or direct work with the pastoral team prior to accessing mainstream lessons

10. Monitoring Arrangements

10.1 The Deputy headteacher and Assistant Headteacher for culture, behaviour and personal development monitors the number of exclusions and suspensions every term and reports back to the headteacher and the Local Governing Committee. They also liaise with the Local Authority to ensure suitable full-time education for excluded students.

10.2 The Local Governing Committee receives a termly report on the level of student moves and the characteristics of students who have been permanently excluded to ensure the sanction is only used, when necessary, as a last resort.

10.3 School data on exclusions and suspensions is also reviewed annually by the Standards Committee of the Trust Board. The Trust Board may challenge the Local Governing Committee on its application of its delegated powers.

10.4 This policy will be reviewed by the Cranmer Education Trust annually. Feedback will be sought from Local Governing Committees.

Appendix 1 - Ensuring that panel members and clerks are trained

The local authority/academy trust must ensure that all panel members and clerks have received training within the two years before the date of the review. This 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 relating 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 of a review panel.
- the role of the clerk to 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.

Guidance to the local authority/academy trust on appointing an independent review panel clerk

The clerk should not have served as a clerk to the governing board in the meeting at which the decision was made by the governing board not to reinstate the pupil.

In addition to the training required by law, clerks should have an up to date understanding of developments in case law which are relevant to suspension and permanent exclusion.

Where a clerk is not appointed, the local authority/academy trust should consider what additional steps it may need to take to ensure that the IRP is administered properly.