



# **Regents Park Community College**

## **Suspension & Exclusions Policy**

**Policy updated: March 2024**

**Policy ratified at: March 2024**

**Policy signed by: Chair of Governors**

**Policy to be reviewed: March 2025**

**Statutory**

## 1. Aims

Our school aims to ensure that:

- The suspension & permanent exclusion process is applied fairly and consistently
- The suspension & permanent process is understood by Governors, staff, parents and students
- Students in school are safe and happy
- Students do not become NEET (not in education, employment or training)

## 2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and student referral units \(PRUs\) in England](#). & [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student Exclusions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- 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](#)
- [Exclusion from maintained schools, academies and pupil referral units in England](#) 2017

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

## 3. The decision to suspend / exclude

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a student from school. A permanent exclusion will be taken as a last resort.

Our school is aware that 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.”

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

A decision to suspend / 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

Before deciding whether to suspend / 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 – with the support of advocates (such as a parent or social worker), if needed.
- Consider if the student has special educational needs (SEN)

#### **4. Definition**

For the purposes of suspensions/ 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.

#### **5. Roles and responsibilities**

##### **5.1 The Headteacher**

###### **Informing parents**

The Headteacher will immediately provide the following information, in writing, to the parents of a suspended or 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 exclusion to the Governing Board and how the student may be involved in this.
- What work is being set for the student which can include the use of online pathways like Google Classroom or Oak national Academy.
- Where there is a legal requirement for the Governing Board 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. Parents/Carers can request to attend the meeting remotely.

- The Headteacher will also 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.
- 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 a suspension, in which case the information can be provided with less than 48 hours' notice with parents' consent.

### **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.

## **Informing the Governing Board and Local Authority**

The Headteacher will immediately notify the Governing Board and the Local Authority (LA)

of:

- A permanent exclusion, including when a fixed-period suspension is made permanent. Suspensions which would result in the student being suspended 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 suspension / exclusion and the reason(s) for it without delay.

The Headteacher will notify (as appropriate) the pupil's social worker and virtual school head (VSH), for any suspension and exclusions, regardless of length and even if cancelled/rescinded. Both the VSH and/or social worker will be invited to applicable meetings.

For all other suspensions / exclusions, the Headteacher will notify the Governing Board and LA once a term.

## **5.2 The Governing Board**

Responsibilities regarding suspensions / exclusions is delegated to an Exclusions Panel consisting of at least 3 governors.

The Panel has a duty to consider the reinstatement of an excluded student (see section 6). For a fixed-period suspension of more than 5 school days, the Governing Board will arrange suitable full-time education for the student. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for students in the final year of compulsory education who do not have any further public examinations to sit.

## **5.3 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 (suspension).

## **5.4 The Designated Safeguard Lead (DSL)**

The DSL of the excluding school should transfer the pupil's child-protection file to the new school:

- Within 5 days for an in-year transfer, or

- Within the first 5 days of a new term

This child-protection file should be transferred separately from the main pupil file, securely and with confirmation of receipt.

## **6. Considering the reinstatement of a student**

The Exclusions Panel will consider the reinstatement of an excluded student within 15 school days of 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 to more than 15 in a term
- It would result in a student missing a public examination

If requested to do so by parents, the Exclusions Panel will consider the reinstatement of an excluded (suspended) student within 50 school days of receiving notice of the exclusion (suspension) if the student would be excluded (suspended) from school for more than 5 school days, but less than 15, in a single term. If parents don't make representations, the governing board isn't required to meet and cannot direct reinstatement

Where an exclusion (suspension) would result in a student missing a public examination, the Exclusions Panel will consider the reinstatement of the student 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 (suspension) independently and decide whether or not to reinstate the student.

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

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

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

The Governing Board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this)

In reaching a decision, The Governing Board will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

The clerk will be present when the decision is made.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

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

- The parents
- The Headteacher
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil's home authority, if it differs from the school's

Where an exclusion is permanent and the Governing Board has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the 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 for this appointment
- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review
- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in

the case of other forms of discrimination. Also that any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

### The Exclusions Panel

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 Exclusions Panel will consider whether the exclusion (suspension) 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 (suspend).

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

The Exclusions Panel will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion (suspension) is permanent, the Exclusions Panel 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 SEN are considered to be relevant to the exclusion (suspension)
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the LA to appoint a 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 a 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 (suspension) 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

## **7. 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 student.

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

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.

- Virtual School head and Social Workers will be invited to meetings if applicable.
  - o The VSH can play an advisory role in cases involving LAC or previously LAC, providing information on the child's background and circumstances that may have contributed to the suspension or exclusion
  - o The social worker can serve as the child's advocate, identifying how the child's circumstances have led to the suspension or exclusion while making sure the child's welfare and safeguarding risks and needs are taken into account
- 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 Headteacher's during this time

- Headteacher's 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 (suspending) school, or have held this position in the last 5 years
- Are an employee of the LA, or the Governing Board, of the excluding (suspending) 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 student, or the incident leading to the exclusion (suspension), 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
- Squash 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.

Parents/Carers can request the meeting to be held remotely.

## **8. School registers**

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 panel'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

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

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

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

## 9. Returning from a fixed-term suspension

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

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
- Change of Class and/or Teachers

## 10. Monitoring arrangements

The Pastoral Assistant Headteacher monitors the number of suspensions every term and reports back to the Headteacher. They also liaise with the Local Authority to ensure suitable full-time education for excluded / suspended students.

The school will ensure the Governing body is aware of movement of pupils in terms of suspensions and exclusions so that they can monitor, review and challenge where applicable.

This policy will be reviewed by the Pastoral Assistant Headteacher every 3 years. At every review, the policy will be shared with the Governing Board.

## 12. Meetings Guidance

### Meetings can also be remote in unforeseen or extraordinary circumstances

For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

Note that where these extraordinary circumstances don't apply and parent/carers don't request a remote meeting, then the meeting **must** be held in person.

### Conditions for remote meetings

Governing boards and arranging authorities should:

- Confirm that all the participants have access to the technology which will allow them to:
  - Hear
  - Speak
  - See
  - Be seen
- Make sure all the participants will be able participate fully
- Make sure that the remote meeting can be held fairly and transparently

If the governing board or arranging authority aren't satisfied that a remote meeting can be held fairly and transparently, then they should consult with parents/carers to decide how a face-to-face meeting can be arranged.

If technical issues occur the meeting will be rearranged to meet in person

**Social workers and virtual school heads (VSHs) can join remotely**

Even if the meeting is held in person, as long as they can contribute effectively.

**Links with other policies**

This policy is linked to our:

- Behaviour policy
- SEN policy and information report
- Attendance
- Inclusion

## **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 (suspension)s, 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 Headteacher's, 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.