

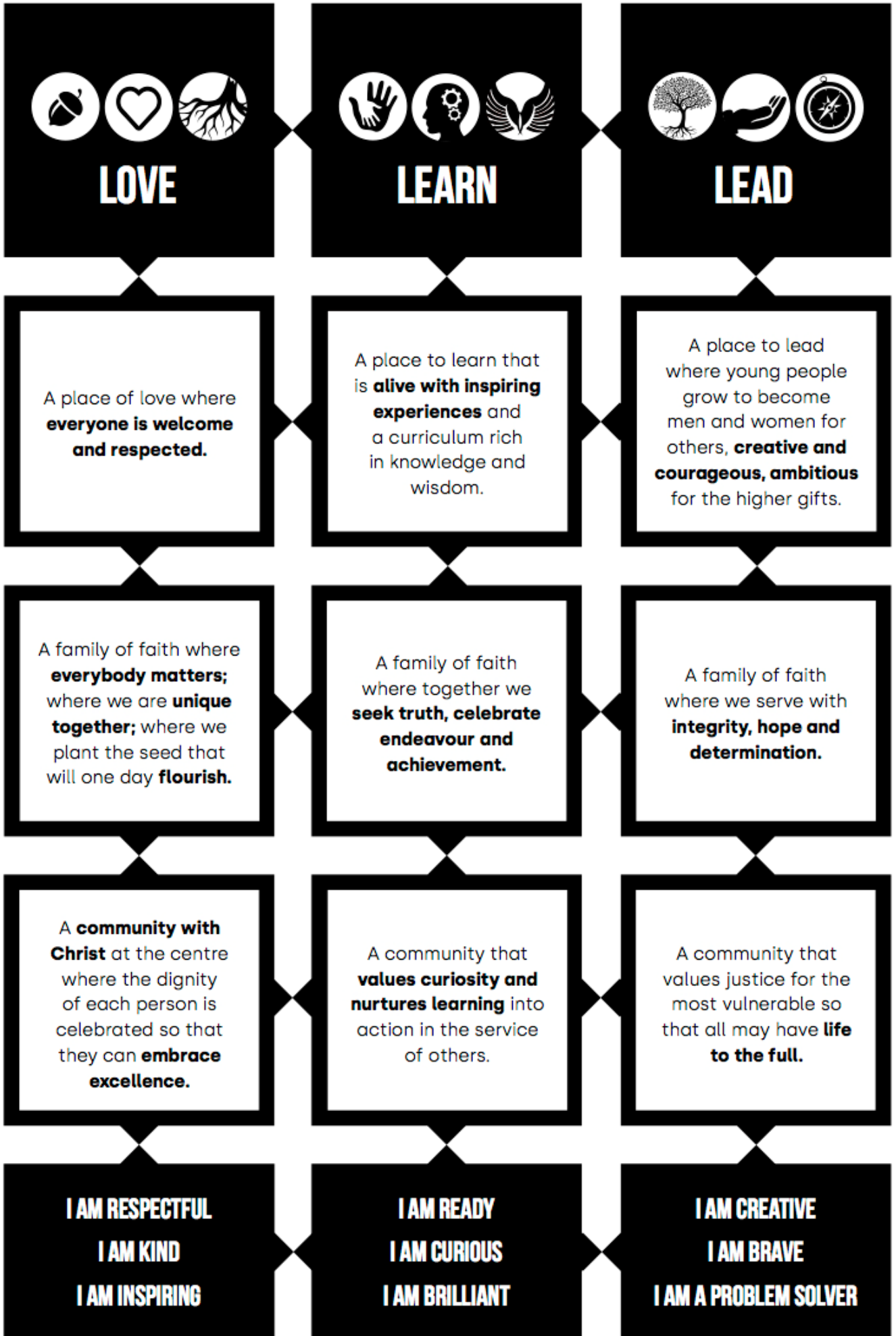
St Ambrose Barlow RC High School



Exclusion and Suspension Policy

September 2023

Person Responsible:
Ratified by Governors:
Date of planned Review: September 2025



Contents

1. Aims	3
2. Legislation and statutory guidance	3
3. The decision to exclude	4
4. Definition	4
5. Roles and responsibilities	4
6. Considering the reinstatement of a pupil	5
7. An independent review	6
8. School registers	6
9. Returning from a fixed-term exclusion	6
10. Monitoring arrangements	7
11. Links with other policies	7
Appendix 1: Independent review panel training	8

Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become Not in Education, Employment or Training (NEET)
- We seek alternatives to exclusion so that pupils' needs are met, the school community is safe, suspensions reduce over time and permanent exclusion is rarely used, if at all. It is not a guaranteed or inevitable stage in the process of managing pupil behaviour.

Diversity, Equity and Inclusion

St. Ambrose Barlow RC High School recognises that permanent exclusion disproportionately disadvantages and affects certain groups of pupils and has a negative impact on life chances. As an inclusive Catholic school, we are committed to ensuring that all of our pupils' experience equity in all aspects of school life.

Legislation and statutory guidance

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

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

- Section 52 of the [Education Act 2002](#), as amended by the Education Act 2011

- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#) 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 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 decision to exclude

Only the headteacher, or acting headteacher, can exclude a pupil 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 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. A decision to 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 exclude a pupil, 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 pupil to give their version of events
- Consider if the pupil has special educational needs Special Education Needs (SEN)

Definition

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

‘Fixed term exclusion’ is now known as ‘suspension’ (from September 2021) and the two phrases are used interchangeably in this policy.

‘Permanent exclusion’ means that a pupil has formally been removed from the school roll after following a recognised and agreed process.

Roles and responsibilities

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 exclusion
- The length of a fixed-term exclusion 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 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.

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 exclusion is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also immediately inform the pupil's 'home authority'

of the exclusion and the reason(s) for it without delay. For all other exclusions, the headteacher will notify the governing board and LA once a term.

The governing board

Responsibilities regarding exclusions are delegated to the Governors Pupil Disciplinary Committee consisting of at least 3 governors.

The Governors Pupil 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 local authority 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.

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

The Local Authority (Salford City Council)

For permanent exclusions, the local authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. Where a pupil is not a resident of Salford City Council, then their local authority is responsible for this provision.

Considering the reinstatement of a pupil

Governors Pupil 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 fixed-term exclusion 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 Governors Pupil 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 Governors Pupil 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 Governors Pupil 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 Governors Pupil 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 Governors Pupil Disciplinary Committee will notify, in writing, the headteacher, parents and the local authority of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governors Pupil 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 local authority 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
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- 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

An independent review

If parents apply for an independent review, the local authority 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 Governors Pupil 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 5member 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 member of local authority 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 local authority 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 local authority, 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.

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.

Returning from a suspension (fixed-term exclusion)

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a suspension:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal exclusion
- 1-2-1 work with an identified member of staff
- Assessment for a special education need or disability

Monitoring arrangements

Mr. N. Irwin, AHT, monitors the number of exclusions every term and reports back to the headteacher and governors. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by Assistant Headteacher with responsibility for Relationships and Behaviour annually. At every review, the policy will be approved by the Governing Board and delegated to the School Effectiveness Committee.

Links with other policies

This Exclusions policy is linked to our

- Relationships and Behaviour policy
- SEN policy and information report
- Diversity, Equity and Inclusion Policy & Equalities Statement and Plan

Appendix 1: Independent review panel training

The [LA/academy trust] 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

Appendix 2: COVID Addendum

Coronavirus: temporary changes to the exclusion process to allow remote meetings

The Department of Education (DfE) has extended its provisions for conducting remote meetings to 24 March 2022.

This means that meetings of governing boards or independent review panels can continue to be remote if it's not reasonably practicable to hold the meeting in person within the statutory timescales due to COVID-19 and:

1. Everyone agrees to it
2. Everyone has access to technology that will allow them to hear and speak throughout the meeting (and to see and be seen, if using a video link)
3. Everyone will be able to put across their view or fulfil their function
4. The meeting can be held fairly and transparently

For more information on these temporary changes, read the [\(DfE's guidance.](#)

Appendix 3: Procedure for Suspensions

While always having regard to the circumstances of a particular case the Headteacher or Acting Headteacher will be likely to use fixed term exclusions in the following kinds of cases. This does not list every offence for which fixed-term exclusion may be used but gives an indication of the kinds of case where it will be used:

- Regular or sustained challenge to the authority of a member of staff
- Swearing and use of abusive language towards a member of staff
- Bullying, harassment or abuse (including on the grounds of gender, race, ethnicity, religion or sexual orientation);
- Persistent defiance of a school rule
- Acts of vandalism
- Physical violence
- Smoking on the school site

Behaviour which disrupts the learning of others

- Conduct likely to bring the school into disrepute – Theft
The length of the exclusion will be proportionate to the gravity of the offence.

The Headteacher or Acting Headteacher may issue a fixed term or permanent exclusion for behaviour which contravenes school policies whilst a student is:

- Taking part in any organised school related activity.
- Travelling to and from school either in or out of school uniform.
- In some other way identifiable as a St Ambrose student.
- On a managed move probationary period at another school or attending alternative provision.

OR for behaviour which at any time:

- Have repercussions for the orderly running of the school.
- Poses a threat to another student or a member of the public.
- Could adversely affect the reputation of the school.

Cases Where Exclusion Would Not Be Used

- Homework issues.
- Poor academic performance.
- Lateness or truancy.
- Incorrect uniform/dress code – except for persistent open defiance.

Work for Excluded Pupils

- Members of staff who teach excluded pupils will provide work for these pupils to do at home and the school will make arrangements for the work to be collected or delivered to the pupil.

In exceptional cases a fixed-term exclusion period can be extended or become a permanent exclusion. This is usually where further evidence has come to light.

Appendix 4: internal Suspension

A pupil's behaviour and conduct may mean that it is necessary to "Internally suspend," as opposed to applying a Fixed-Term exclusion for a pupil. The decision to Internally suspend will be at the discretion of the Assistant Headteacher with responsibility for Relationships and Behaviour after consultation with the Headteacher. Where a decision to "Internally exclude" has been made Parents of the pupil/s concerned will be notified and a record of the Internal exclusion will be recorded using the school's attendance record keeping system. Additionally, a behaviour record log will be recorded on School Information Management system (School Synergy) indicating that Internal exclusion has been used as a sanction linked to the behaviour that caused the sanction to be implemented. The length of the "Internal exclusion" will be proportionate with the gravity of the offence. Whilst in "internal exclusion", pupils will complete appropriate work that is set by their teachers for lessons that they would have attended that day. This work will be forwarded to the teacher to assess after the work has been completed.

If a pupil or parent refuses to let their son/daughter attend "Internal exclusion" or if the pupil's behaviour whilst in "Internal exclusion" is not acceptable, a decision to reapply a further period of internal exclusion may be utilised or a Fixed Term Exclusion may now apply after consultation between the Assistant Headteacher

and the Headteacher.

In line with the school's Diversity, Equity and Inclusion Policy, analysis of different pupil groups is conducted to highlight any pupils more susceptible to being "Internally suspended". Therefore, preventative measures can be implemented for these individual pupils'/pupil groups to endeavour to reduce the need for future action.

The use of "Internal Exclusion" may be used following a Fixed-Term inclusion to ensure that the pupil/s are reintegrated back into school life as soon as possible. The decision to "Internally exclude" following a Fixed Term exclusion is collaboratively made between the Assistant Headteacher and the Headteacher, based on the gravity of the original offence and the specific needs of the pupil concerned.



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	E	A	R	I AM KIND
			N	I AM INSPIRING
				I AM READY
				I AM CURIOUS
				I AM BRILLIANT
				I AM CREATIVE
				I AM BRAVE
				I AM A PROBLEM SOLVER

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