



IMBERHORNE SCHOOL

Policy Document



The Cornerstones of our
Learning Community

Headteacher: Mr Lee Walker

Suspensions and Exclusions Policy	
Date of Review:	March 2023
Prepared by:	Lee Walker
Approved by Governing Board:	May 2023
Policy based on:	DfE and WSCC guidance (Sept 2022)
Date for next review:	March 2024

This policy has been written with reference to the following statutory guidance:

Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - Guidance for maintained schools, academies, and pupil referral units in England (September 2022).

This guidance can be found at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools_academies_and_pupil_referral_units_in_England_including_pupil_movement.pdf

Good discipline in schools is essential to ensure that all students can benefit from the opportunities provided by education. A decision to suspend or exclude a student is taken very seriously at Imberhorne School.

The government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

A **suspension** is one sanction used by the school, in response to a serious breach of school expectations regarding behaviour and safe conduct and can only be issued by the Headteacher or Deputy Headteacher if the Headteacher is not in school. Parents/Carers will be officially informed, in writing, of any suspension issued. Reintegration interviews will be arranged in order to address specific points which led to the suspension, this will generate plans to ensure a student successfully re-integrates back into school.

A **permanent exclusion** is issued only by the Headteacher. Permanent exclusions are rare and should be seen as a last resort. This step is only taken in response to a serious breach, or persistent breaches, of the school's behaviour policy and/or where allowing the student to remain in school would seriously harm the education or welfare of themselves or other students in the school. At Imberhorne we try all possible alternative strategies first.

Factors to consider before deciding to suspend:

Suspensions are not imposed in the heat of the moment. Time will usually be taken to consider the appropriateness and length of a suspension unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to suspend a student,

for a fixed period or permanently, the Headteacher will:

- Ensure that an appropriate investigation has been carried out
- Consider all the evidence available to support the allegations, taking account of the school's Behaviour Policy and Diversity, Inclusion and Equality Policy
- Consult the guidance and legislation that guides exclusions (and suspensions)
 - a) The Education Act 2002, as amended by the Education Act 2011
 - b) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
 - c) The Education and Inspections Act 2006
 - d) The Education (Provision of Full-Time Education for Excluded Students) (England) Regulations 2007
 - e) Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement September 2022.
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.
- Consult others, if necessary, but not anyone who may later have a role in reviewing the Headteacher's decision, for example a member of the Governors' Disciplinary Committee.
- Suspend the students, if satisfied that, on the balance of probabilities the student did what was alleged. The length of the suspension will be in accordance with the severity and/or repetitiveness of the incident. The Headteacher will consider the context of the incident as well as the previous conduct of the student, when appropriate, before determining the length of the suspension.
- Whenever a Headteacher suspends a student they will notify parents immediately, providing details about the reason why the suspension has been made and the length of the suspension. Parents must be provided with details about the right to appeal including appropriate timescales for such decisions.
- Under the Equality Act 2010 schools must not discriminate against, harass or victimise students because of their: sex; race; disability; religion or belief; sexual orientation; gender reassignment or because of a pregnancy / maternity. For children with disabilities, this includes a duty to make reasonable adjustments to policies and practices.
- The regulations allow Headteachers to suspend a student for one or more fixed periods not exceeding 45 school days in any one school year. Suspensions may not be given for an unspecified period, for example until a meeting can be arranged. Such a practice amounts to an indefinite suspension, which is unlawful.
- Students whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. A lunchtime suspension is a fixed period suspension (equivalent to one half school day) and should be treated as such and parents have the same right to be given information and to appeal. A lunchtime suspension for an indefinite period, like any other indefinite suspension, would not be lawful. Arrangements should be made for students who are entitled to free school meals. This may mean providing a packed lunch.
- Students' behaviour outside school including but not limited to when students are on school business, for example, on school trips, 'away' fixtures, work experience placements etc, is subject to the school's behaviour policy. Poor behaviour in such circumstances, should be dealt with as if it had taken place in school. For behaviour outside school, but

not on school business, a Headteacher may suspend a student if there is a clear link between that behaviour and discipline among the student body as a whole. Students' behaviour in the immediate vicinity of the school, or on a journey to or from school, can be grounds for exclusion.

Steps taken when a student is suspended or excluded

- The Headteacher will notify the governing body and the local authority of:
 - a permanent exclusion
 - suspensions, including those which would result in the student missing a public examination or national curriculum test.
 - if a pupil has a social worker, or if a pupil is looked-after, the Headteacher will also notify the social worker and/or Virtual School Head, as applicable.
- The Headteacher may cancel an exclusion that has not been reviewed by the Governing board. This practice is sometimes known as withdrawing/rescinding a suspension or permanent exclusion. If this occurs, parents, the governing board and the local authority should be notified, and if relevant, the social worker and Virtual School Head.
- In the case of a permanent exclusion the student remains on the roll of the school until any appeal is determined, the time limit for an appeal has expired without an appeal being brought, or the parent has told the Local Authority that no appeal is to be brought. Again, while the student is on the roll of the school it is the responsibility of the school that his/her education continues but, as in the case of longer suspensions, it may be necessary for the school to seek the help of the Local Authority which maintains the school. The Local Authority must withdraw the unit of funding for the student when the permanent exclusion is endorsed by the Governor Review Panel, although it will be returned if the exclusion is overturned on appeal.
- Where parents/carers (or excluded student, if aged 18 or over) dispute the decision of a governing body not to reinstate a permanently excluded student, they can ask for this decision to be reviewed by an independent review panel. Where there is an allegation of discrimination (under the Equality Act 2010) in relation to a suspension or permanent exclusion, parents/carers can also make a claim to the First-tier Tribunal (for disability discrimination) or a County Court (for other forms of discrimination).
- An independent review panel does not have the power to direct a governing body to reinstate an excluded/suspended student. However, where a panel decides that a governing body's decision is flawed, when considered in the light of the principles used for judicial review, it can direct a governing body to reconsider its decision.
- The governing body has a duty to consider parents'/carers' representations about an exclusion/suspension. If a child has been suspended for a period of more than 5 school days but not more than 15 in a single term, parents can request that the governing body consider the reinstatement of the child. In these circumstances the governing body will consider the reinstatement within 50 school days of receiving notice of the suspension. This may not affect the actual suspension, as the child is likely to have completed their suspension prior to the governing body considering reinstatement. However, if the governing body did decide to overturn the suspension and direct reinstatement, a record to this effect could be added to the child's school records.
- 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 (or a single nominated

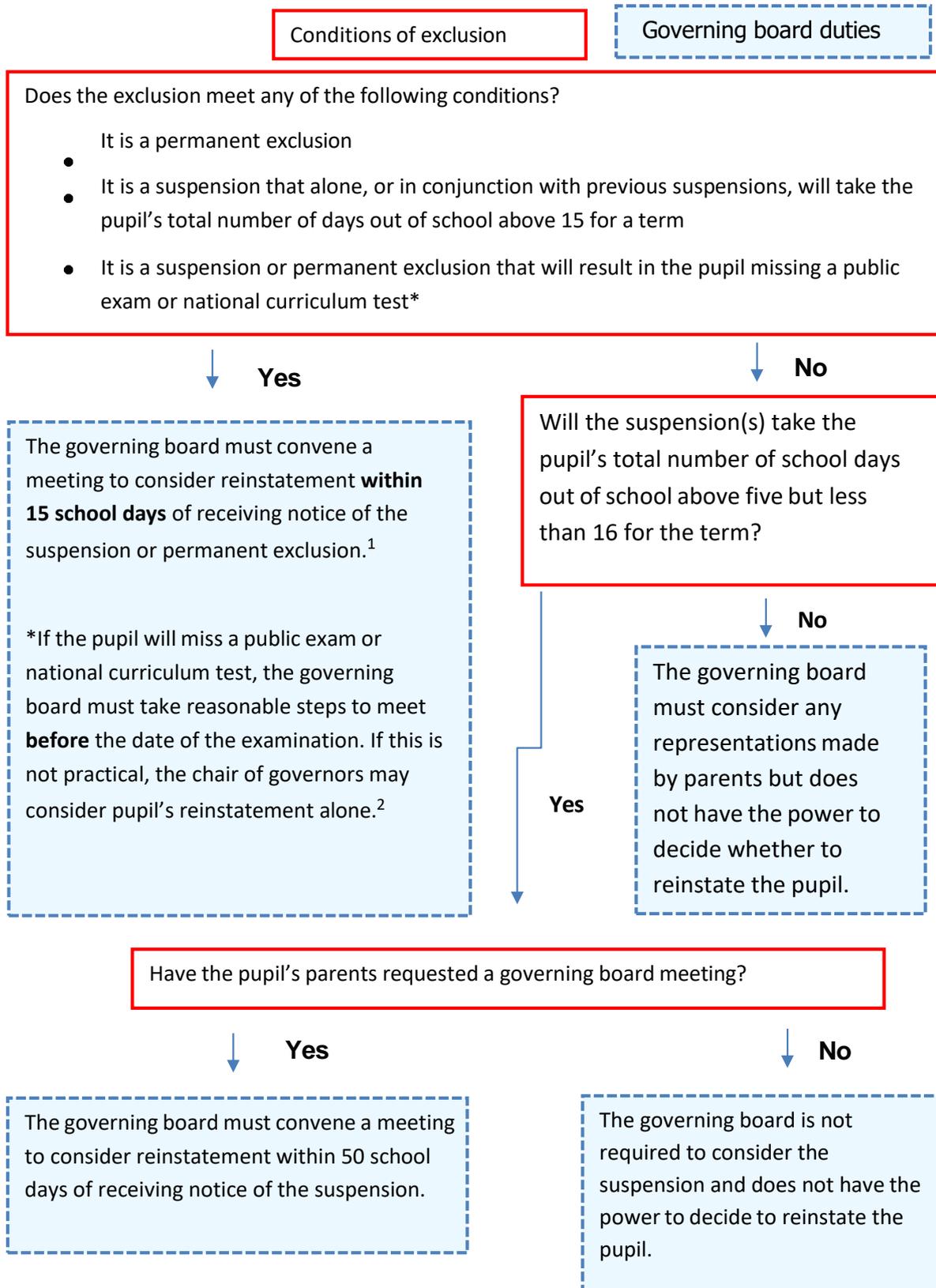
governor) will consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

- The requirements on a governing body to consider an exclusion depend upon a number of factors (these requirements are illustrated within the guidance, *Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - Guidance for maintained schools, academies, and pupil referral units in England (September 2022)*)
- The governing body may delegate their functions with respect to the consideration of an exclusion/suspension decision to a designated sub-committee consisting of at least three governors.
- The governing body will consider the reinstatement of an excluded student within 15 school days of receiving notice of the suspension/exclusion if:
 - the exclusion is permanent
 - it is a suspension which would bring the student's total number of school days of exclusion to more than 15 in a term
 - or it would result in a student missing a public examination or national curriculum test.
- The following parties must be invited to a meeting of the governing body and allowed to make representations:
 - Parents/carers;
 - the Headteacher

On-Going Arrangements for Education

- For a suspension of more than five school days, the governing body (or local authority in relation to a student excluded from a student referral unit) must arrange suitable full-time education for any student of compulsory school age. This provision must begin no later than the sixth day of the exclusion.
- For permanent exclusions, the local authority must arrange suitable full-time education for the student to begin no later than the sixth day of the exclusion. This will be the student's 'home authority' in cases where the school is maintained by (or located within) a different local authority.
- In addition, where a student has a statement of SEN, the local authority must ensure that an appropriate full-time placement is identified in consultation with the parents/carers, who retain their rights to express a preference for a school that they wish their child to attend, or make representations for a placement in any other school

Appendix A – A summary of the governing board’s duties to review the headteacher’s exclusion decision



¹ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

² The ability for a chair to review in the case of public exams refers only to maintained schools.

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the permanent exclusion.³

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension.⁴

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement **within 15 school days** of receiving notice of the suspension or permanent exclusion.⁵ The governing board must also take reasonable steps to meet **before** the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.⁶

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

³ The governing board may delegate its functions to consider an exclusion to a designated committee.

⁴ The governing board may delegate its functions to consider an exclusion to a designated committee.

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