



ST. GERARD'S  
CATHOLIC  
PRIMARY AND  
NURSERY SCHOOL

# Suspension and Exclusion Policy 2023 - 2024

*I am a*  
*child*  
*of*  
*God*  
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## St Gerard's Catholic Primary School

"Guided by God, St Gerard's Catholic Primary and Nursery School is an inspiring and aspirational community where we learn to love, hope, dream and achieve."

# SAFEGUARDING STATEMENT

“St Gerard’s Catholic Primary and Nursery School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment”.



## **Statement of intent**

At St. Gerard's Catholic Primary & Nursery School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour for Learning Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, governing body and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A "suspension" is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

An "exclusion" is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour for Learning Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

## **Legal framework**

This policy has due regard to all relevant legislation including, but not limited to, the following:

- ❖ Education Act 1996
- ❖ Education Act 2002
- ❖ Education and Inspections Act 2006
- ❖ The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- ❖ Equality Act 2010
- ❖ The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- ❖ The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- ❖ DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- ❖ DfE (2022) 'Behaviour in Schools'
- ❖ DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- ❖ DfE (2018) 'Mental health and behaviour in schools'

## **Roles and responsibilities**

### **The LA is responsible for:**

- ❖ Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- ❖ Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- ❖ Reviewing and reassessing pupils' needs in consultation with their parents/carers where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.
- ❖ Arranging for an independent review panel hearing to review the decision of the governing body not to reinstate a permanently excluded pupil where required.
- ❖ Arranging the hearing without delay at a time, date and venue convenient for all parties.
- ❖ Ensuring the independent review panel consists of three or five members as appropriate, which represent the required categories.
- ❖ Ensuring all panel members and the clerk have received training within the two years prior to the date of the review.
- ❖ If requested by parents/carers, appointing a SEND expert to attend the panel and covering the associated costs of this appointment.

### **The headteacher is responsible for:**

- ❖ Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential suspensions and exclusions.
- ❖ Applying the civil standard of proof when establishing the facts in relation to a suspension or exclusion.
- ❖ Complying with their statutory duties in relation to pupils with SEND when administering the suspension or exclusion process, as outlined in the Special Educational Needs (SEND) Policy.
- ❖ Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- ❖ Considering the use of a multi-agency assessment for a pupil who demonstrates persistent disruptive behaviour.
- ❖ Reviewing the effectiveness of suspensions and exclusions as sanctions, e.g. if a pupil has received multiple suspensions or is approaching the legal limit for suspensions in an academic year.

- ❖ Considering what extra support may be needed to identify and address the needs of individual pupils, particularly those with SEND, those eligible for FSM, LAC and those from certain ethnic groups.
- ❖ Engaging effectively with parents/carers in supporting the behaviour of pupils with additional needs.
- ❖ Determining whether a pupil will be suspended or excluded on disciplinary grounds.
- ❖ Withdrawing any suspensions or exclusions that have not been reviewed by the governing body, where appropriate.
- ❖ Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.
- ❖ Complying with the requirements of the Equality Act 2010 when deciding whether to suspend or exclude a pupil.
- ❖ Ensuring they have considered their legal duty of care when sending a pupil home following a suspension or exclusion.
- ❖ Making the decision to suspend or exclude based on the evidence available at the time, regardless of any police investigation and/or criminal proceedings.
- ❖ Notifying a pupil's parent/carers without delay where the decision is taken to suspend or exclude the pupil, including the days on which the parents/carers must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- ❖ Ensuring that all information provided to parents/carers is clear and easily understood.
- ❖ Notifying the governor responsible and LA of their decision to exclude a pupil where appropriate, as well as the pupil's home authority if required.
- ❖ Notifying the governing body once per term of any exclusions in the headteacher's report to governors.
- ❖ Organising suitable work for excluded pupils where alternative provision cannot be arranged.

### **Grounds for suspension or exclusion**

The school will only suspend or exclude a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour for Learning Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- ❖ Physical assault against a pupil
- ❖ Physical assault against an adult
- ❖ Verbal abuse or threatening behaviour against a pupil
- ❖ Verbal abuse or threatening behaviour against an adult
- ❖ Use, or threat of use, of an offensive weapon or prohibited item
- ❖ Bullying
- ❖ Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to a suspension or an exclusion, depending on what the circumstances warrant.

The school has the power to direct a pupil off-site to improve their behaviour.

## **The Headteacher's power to suspend and exclude**

Only the headteacher has the power to suspend or exclude a pupil from the school, and is able to decide whether either a suspension or exclusion is appropriate. All suspensions and exclusions will only be issued on disciplinary grounds.

The headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour for Learning Policy.

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents/carers.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds, e.g. race, sex, or disability, and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher may cancel any suspension or exclusion that has already begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the governing body.

Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parent/carers, the governing body, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The headteacher will offer the pupil's parent/carer the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the governing body once per term, to allow the governing body to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parent/carers have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of instructing parent/carers to remove their child from the premises.

All suspensions and exclusions will be formally recorded on CPOMS.

## **Factors to consider when suspending or excluding a pupil**

When considering the suspension or exclusion of a pupil, the headteacher will:

- ❖ Allow the pupil the opportunity to present their case once evidence has been collected.
- ❖ Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.
- ❖ Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 suspended days per school year, and whether suspension is serving as an effective sanction.
- ❖ Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

The headteacher will consider what extra support may be available for vulnerable pupil groups whose suspension and exclusion rates are higher, to reduce their risk of suspension or exclusion, including the following:

- ❖ LAC
- ❖ Pupils eligible for FSM
- ❖ Pupils with SEND
- ❖ Certain ethnic groups

The headteacher will consider avoiding excluding LAC, those with SEMH issues or pupils with an EHC plan. Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the headteacher, who will instigate a multi-agency assessment to determine whether the behavioural issues might be a result of educational, mental health or other needs and vulnerabilities. The full assessment procedures are outlined in the school's Social, Emotional and Mental Health (SEMH) Policy.

Where SEND or SEMH issues are identified, an individual behaviour plan will be created using the graduated response outlined in the school's Behaviour for Learning Policy. If the pupil continues to endanger the physical or emotional wellbeing of other pupils or staff, despite exhausting the graduated response process, then suspension or exclusion may be considered. In accordance with the Equality Act 2010, under no circumstances will a pupil with identified SEND or SEMH issues be suspended or excluded before the graduated response process has been completed.

Where a pupil with SEND or SEMH issues is excluded because of a SEND- or SEMH-related need that could not be met at the school, detailed records will be kept highlighting that these pupils are closely tracked and showing that the school has a close relationship with the pupil's next destination.

The headteacher will work in conjunction with the parents/carers of any pupil with additional needs to establish the most effective support mechanisms.

### **Preventative measures**

Before taking a final decision to exclude, the headteacher will consider whether it is in the best interests of all parties to initiate off-site directions or managed moves as preventative measures to exclusion.

### **Off-site direction**

Under the Education Act 2002, the governing body may require any registered pupil to attend at any place outside the school premises for the purpose of receiving educational provision intended to improve their behaviour.

### **Managed moves**

Where it is thought to be in a pupil's best interest to transfer them to another mainstream school permanently, the headteacher and governing body will discuss this with the parents/carers of the pupil, and the LA if the pupil has an EHC plan – managed moves will only go ahead with the voluntary agreement of all parties involved, including the parents/carers and the admission authority of the new school.

The school will ensure that detailed records are kept of any decision to initiate a managed move, including evidence that appropriate initial intervention has been carried out. The school will participate in information sharing with the pupil's new school, including sending data on prior and current attainment, academic potential and any risk management strategies. The school will also cooperate with the pupil's new school to create an effective integration strategy.

Parents/carers who have concerns that a managed move is being forced on them or who are unhappy with a managed move will be referred to the Complaints Policy and Procedure.

### **Duty to inform parents/carers**

Following the Headteacher's decision to suspend or exclude a pupil, they will immediately inform the parents/carers, in person or by telephone, supported by letter communication, of the period of the suspension, or permanency of the exclusion, and the reasons behind this.

The headteacher will inform the parents/carers in writing (or electronically if written permission has been received from the parents/carers for notices to be sent this way) of the following:

- ❖ The reasons for the suspension or exclusion
- ❖ The length of the suspension or permanency of the exclusion
- ❖ Their right to raise any representations about the suspension or exclusion to the governing body, including how the pupil will be involved in this and how the representations will be made
- ❖ Their right to attend a meeting where there is a legal requirement for the governing body to consider the suspension or exclusion, and the fact that they are able to bring an accompanying individual
- ❖ The arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school
- ❖ Relevant sources of free, impartial information

Parents/carers are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents/carers may receive a penalty fine if they fail to do so.

Where the headteacher has arranged alternative provision, they will also inform the parents/carers of the following:

- ❖ The start and end date for any provision of full-time education
- ❖ The address at which the provision will take place
- ❖ Any information necessary for the pupil to identify the person they should report to on the starting date

Where the headteacher is unable to provide information on alternative provision by the end of the afternoon session, they will provide the information in a subsequent written notice without further delay, and within 48 hours of the pupil beginning the provision. If the alternative provision is due to begin before the sixth day of the suspension or exclusion, the headteacher is able to give less than 48 hours of notice, with parental consent.

If the headteacher has decided to suspend the pupil for a further fixed period following their original suspension, or to permanently exclude them, they will notify the parents/carers without delay and issue a new suspension or exclusion notice to parents/carers.

### **Duty to inform the governing body and LA**

The headteacher will inform the governing body, without delay, of the following:

Any permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil)

- ❖ Any suspensions which would result in the pupil being suspended for more than 5 school days in a term (or more than 10 lunchtimes)
- ❖ Any suspensions or exclusions which would result in the pupil being absent from an examination or national curriculum test

For any suspensions and exclusions, other than those above, the headteacher will notify the governing body once per term.



The headteacher will inform the LA of all suspensions or exclusions, regardless of their length, without delay.

All notifications to the governing body and LA will include the reasons for suspension or exclusion and the duration of any suspension.

If a pupil who is suspended or excluded lives outside the LA in which the school is located, the headteacher will notify the pupil's 'home authority'.

### **Duty to inform social workers and the virtual school head (VSH)**

When a pupil has been suspended or excluded, the headteacher will, without delay, notify the pupil's social worker, if they have one, and the VSH, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion.

Social workers and/or the VSH will also be informed when a meeting of the governing body is taking place, and will be invited to attend the meeting should they wish to do so.

### **Arranging education for suspended and excluded pupils**

For any suspensions of more than five school days, the governing body will arrange suitable full-time education for the pupil, which will begin no later than the sixth day of suspension. Where a pupil receives consecutive suspensions, these will be regarded as cumulative, and full-time education will still have to be provided from the sixth day of suspension. For exclusions, full-time education will be provided for the pupil from the sixth day of exclusion.

The governing body will not arrange full-time education for any pupil who is currently in their final year of compulsory education, and who does not have any further public examinations to sit.

The governing body is aware that it is beneficial to suspended and excluded pupils to begin their alternative education arrangements before the sixth day of suspension or exclusion; therefore, the governing body will always attempt to arrange alternative provision before the sixth day. Where it is not possible to arrange alternative provision during the first five days, the school will ensure that they take reasonable steps to set and mark work for the pupil.

If a pupil with SEND has been suspended or excluded, the governing body will ensure that:

- ❖ Any alternative provision is arranged in consultation with the pupil's parents/carers, who are able to request preferences.
- ❖ When identifying alternative provision, any EHC plan is reviewed or the pupil's needs are reassessed, in consultation with the pupil's parents/carers.

### **Considering suspensions and exclusions**

The governing body will consider any representations made by parents/carers regarding suspensions and exclusions.

Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

Where it is appropriate to the pupil's age and level of understanding, the pupil will also attend any consideration meeting, and will be enabled to make a representation on their own behalf if they desire to do so.

The governing body will consider the reinstatement of a suspended or excluded pupil, where:

- ❖ The exclusion is permanent.
- ❖ The suspension is fixed-period, and would bring the pupil's total number of suspended school days to more than 15 in any given term.
- ❖ The suspension or exclusion would result in the pupil missing a public examination.

In the case of a suspension where the pupil's total number of suspended days is more than 5 but less than 16 school days within a term, if parents/carers make representations, the governing body will consider suspensions within 50 school days of receiving the notice of suspension. In the absence of any representations from parents/carers, the governing body will consider the reinstatement on their own.

Where a suspension will take a pupil's total number of school days out of school above five but less than 15 for the term, and parents/carers have not requested a governing body meeting, the governing body will not be required to consider the pupil's reinstatement but it will have the power to do so if it deems it appropriate.

Where a suspension will not bring a pupil's total number of days of suspension or permanent exclusion to more than five days in a term, the governing body will consider all representations made by parents/carers; however, the board cannot direct the reinstatement of the pupil and it is not required to arrange a meeting with parents/carers.

Where suspension or exclusion would result in a pupil missing a public examination, the governing body will consider the suspension or exclusion before the test to decide whether the pupil should be reinstated in time to take the examination.

If it is not practicable for a sufficient number of governors to consider the decision before the examination, the chair of governors, or the vice chair of governors if necessary, will consider the suspension or exclusion alone and decide whether or not to reinstate the pupil.

In light of the above, the governing body will also consider whether it would be appropriate to allow the suspended or excluded pupil to enter the premises to take the examination.

When considering the reinstatement of a pupil, the governing body will:

- ❖ Only discuss the suspension or exclusion with the parties present at the meeting.
- ❖ Ask for any written evidence prior to the meeting.
- ❖ Circulate any written evidence and information to all parties, at least five school days in advance of the meeting.
- ❖ Allow pupils and parents to be accompanied by a person of their choice to the meeting.
- ❖ Consider what reasonable adjustments need to be made to support the attendance and contribution of parties at the meeting.
- ❖ Identify the steps needed to enable and encourage the suspended or excluded pupil to attend the meeting and speak on their behalf, or how they may contribute personal views by other means if attendance is not possible.
- ❖ Consider the interests and circumstances of the pupil, including the grounds for suspension or exclusion.

## Reaching a decision

After considering suspensions and exclusions, the governing body will either:

- ❖ Decline to reinstate the pupil.
- ❖ Direct the reinstatement of the pupil immediately, or on a specified date.
- ❖ If reinstatement would make no practical difference, e.g. if the pupil has already returned to school following a suspension or the parents/carers make clear they do not want their child reinstated, the governing body will still consider whether the pupil should be officially reinstated, and whether the Headteacher's decision to suspend or exclude the pupil was fair, lawful and proportionate, based on the evidence presented.

The governing body will apply the civil standard of proof when responding to the acts relating to a suspension or exclusion, i.e. that on the 'balance of probabilities' it is more likely than not that the facts are true.

To reach a decision, the governing body will:

- ❖ Identify the steps they intend to take to ensure that all parties involved will have the opportunity to participate and present their views.
- ❖ Ensure that minutes are taken of the meeting as a record of the evidence that was considered.
- ❖ Ask all parties to withdraw from the meeting before concluding their decision.
- ❖ Consider whether the suspension or exclusion of the pupil was lawful, proportionate and fair, taking into account the headteacher's legal duties and any evidence that was presented to the governing body in relation to the decision.
- ❖ Record the outcome of the decision on the pupil's educational records, along with copies, which will be kept for at least six months.
- ❖ Inform the LA of the outcome.
- ❖ Make a note of their findings, where they have considered a suspension or exclusion but cannot reinstate the pupil.

## Notification of considered suspensions and exclusions

The governing body will notify the parents/carers of the suspended or excluded pupil, the headteacher, and the LA of their decision following the consideration of a suspension or exclusion, in writing and without delay.

In the case of exclusion, where the governing body decides not to reinstate the pupil, they will notify the parents/carers:

- ❖ That the exclusion is permanent.
- ❖ Of their right for it to be reviewed by an independent review panel.
- ❖ Of the date by which an application for review must be made.
- ❖ Of the name and address of whom the review application should be submitted to.
- ❖ That any application should set out the grounds on which it is being made and that, where appropriate, this should include reference to how a pupil's SEND is considered relevant to the exclusion.
- ❖ That, regardless of whether a pupil has been identified as having SEND, the parents/carers have a right to require the governing body to ensure a SEND expert attends the review.
- ❖ Of the role of the SEND expert that will attend the review, and that the parents/carers will not be charged for this.
- ❖ That they are required to make it clear if they wish for a SEND expert to attend the review.
- ❖ That they may appoint someone at their own expense to make representations to the panel.

The governing body will also notify parents/carers that, if they believe a suspension or exclusion has been issued as a result of discrimination, then they are required to make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), and that this should be within six months of when the discrimination allegedly took place.

After any conclusion, the governing body will notify the parents/carers, and all other parties involved, of the decision that was made and the reasoning for this, in sufficient detail.

### **Removing excluded pupils from the school register**

The headteacher will remove pupils from the school register if:

- ❖ 15 school days have passed since the parents/carers were notified of the governing body's decision not to reinstate the pupil and no application for an independent panel review has been received.
- ❖ The parents/carers have stated in writing that they will not be applying for an independent panel review following an exclusion.
- ❖ If an application for an independent panel review has been made within 15 school days, the headteacher will wait until the review has been determined, or abandoned, and until the governing body has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

If a pupil's name is to be removed from the register, the headteacher will make a return to the LA, which will include:

- ❖ All the particulars which were entered in the register.
- ❖ The address of any parent/carer with whom the pupil normally resides.
- ❖ The grounds upon which the pupil's name is to be removed from the register.

Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- ❖ Code B: Education off-site
- ❖ Code D: Dual registration
- ❖ Code E: Absent and not attending alternative provision

### **Independent review panel**

The LA will review the governing body's decision not to reinstate an excluded pupil if the parents/carers submit their application for this within the required time frame.

Parents are required to submit their applications within:

- ❖ 15 school days of the governing body's notification of their decision.
- ❖ 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of the above timeframe will not be reviewed. Parents/carers are able to request an independent panel review even if they did not make a case to, or attend, the governing body's initial consideration of the exclusion.

The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance.

### **Appointing a SEND expert**

If requested by parents/carers in their application for an independent review panel, the LA will appoint a SEND expert to attend the panel and covers the associated costs of this appointment. Parents/carers have a right to request the attendance of a SEND expert at a review, regardless of whether the school recognises that their child has SEND.

The LA will make arrangements to indemnify the SEND expert against any legal costs and expenses reasonably incurred as a result of any decisions or actions connected to the review and which are taken in good faith.

An individual will not serve as a SEND expert if they have, or at any time have had, any connection with the LA, school, parents/carers or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not taken to have such a connection solely because they are an employee of the LA.

The SEND expert will be a professional with first-hand experience of the assessment and support of SEND, as well as an understanding of the legal requirements on schools in relation to SEND. Examples of suitable individuals include educational psychologists, specialist SEND teachers, SENCOs and behaviour support teachers.

Recently retired individuals are not precluded from fulfilling this role; however, during interview, the LA will assess the knowledge of such individuals in order to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEND.

Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the LA, they will not have had any previous involvement in the assessment or support of SEND for the excluded pupil, or siblings of the excluded pupil. The LA will request that prospective SEND experts declare any conflict of interest at the earliest opportunity.

The final decision on the appointment of a SEND expert is for the LA to make, but it will take reasonable steps to ensure that parents/carers have confidence in the impartiality and capability of the SEND expert. Where possible, this will include offering parents/carers a choice of SEND expert. In order to meet its duties within the statutory time frame, the LA will consider maintaining a list of individuals capable of performing the role of SEND expert in advance of a request.

The LA will determine the amount of any payment in relation to the appointment of the SEND expert, such as financial loss, travel and subsistence allowances.

### **The role of the SEND expert**

The SEND expert's role is analogous to an expert witness, providing (orally and/or written) impartial advice to the panel on how SEND might be relevant to the exclusion. The SEND expert will base their advice on the evidence provided to the panel. The SEND expert's role does not include making an assessment of the pupil's SEND.

The focus of the SEND expert's advice will be on whether the school's policies which relate to SEND, or the application of these policies in relation to the excluded pupil, were legal, reasonable and procedurally fair. If the SEND expert believes that this was not the case, they will, where possible, advise the panel on the possible contribution this could have made to the circumstances of the pupil's exclusion.

Where the school does not recognise that a pupil has SEND, the SEND expert will advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's exclusion.

The SEND expert will not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

### **Appointing a clerk**

The LA will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

Where a clerk is appointed, the LA will ensure that the clerk did not serve as clerk to the governing body when the decision was made not to reinstate the pupil.

### **The role of the clerk**

The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on exclusions.

The clerk will:

- ❖ Identify, in advance of the meeting, whether the excluded pupil wishes to attend the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- ❖ Identify, in advance of the meeting, whether any alleged victims of the incident leading up to the exclusion wish to attend the panel hearing, taking reasonable steps to enable them to feedback their views, irrespective of their attendance.
- ❖ Ensure that the panel is able to hear from any witnesses to the incident leading to the exclusion, taking into account the fact that some of these people may be pupils at the school. Pupils under 18 will not be allowed to appear in person without parental consent.
- ❖ Inform the parents, headteacher and governing body that they are entitled to make oral and written representations to the panel, attend the hearing, and be represented.
- ❖ Inform the LA that it is entitled to make oral and written representations to the panel, attend the hearing, and be represented.

Ensure that all parties are:

- ❖ Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date.
- ❖ Informed about who is attending the meeting, and what their roles are.
- ❖ Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.
- ❖ Where a clerk is not appointed, the LA will undertake the functions outlined above.

### **The duties of the independent review panel**

The role of the panel is to review the governing body's decision not to reinstate an excluded pupil. In reviewing the decision, the panel will consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school. The panel will apply the civil standard of proof, rather than the criminal standard of 'beyond reasonable doubt'.

Following the review, the panel will do one of the following:

- ❖ Uphold the decision
- ❖ Recommend that the governing body reconsiders reinstatement
- ❖ Quash the decision and direct that the governing body reconsiders reinstatement
- ❖ The panel's decision does not have to be unanimous and can be decided by a majority vote. It is binding on the pupil, parents/carers, governing body, headteacher and LA.

### **Reconsidering reinstatement following a review**

Where the independent review panel **instructs** the governing body to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the governing body does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel **recommends** that the governing body should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing body does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing body offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing body will notify the parents/carers, headteacher and LA of their reconsidered decision and the reasons for this.

### **Criminal investigations**

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

### **Training requirements**

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- ❖ The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- ❖ 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 bodies and the panel under the Equality Act 2010.
- ❖ The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

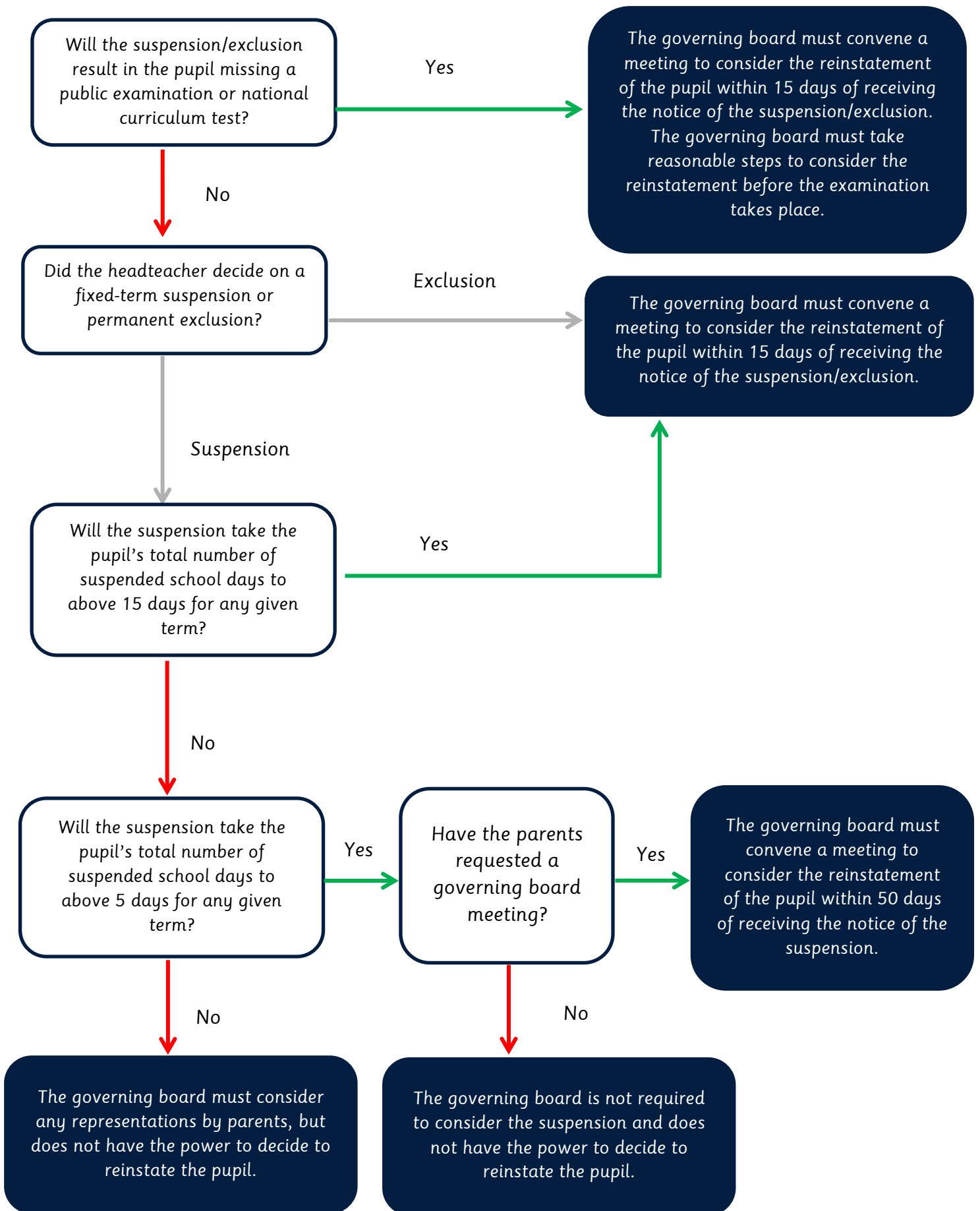
## Using data

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing body on a termly basis. The governing body will review this data regularly in order to:

- ❖ Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- ❖ Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.
- ❖ Consider the effectiveness and consistency in implementing the Behaviour for Learning Policy.
- ❖ Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- ❖ Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- ❖ Gather information on where pupils are receiving repeat suspensions.
- ❖ Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- ❖ Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.



Flowchart for reviewing the Headteacher's suspension or exclusion decision



### Risk of Permanent Exclusion

Name of Pupil:

DOB:

School:

Attendance:

*This form should be completed by a member of the school's leadership team with teacher involvement.*

Supplementary information can be added to this form such as examples of Support Plans, details and minutes of meetings with parents, Boxall profiles and strategies which have been implemented over time.

**Please briefly outline why the pupil is at risk of exclusion:**

	<b>Criteria</b>	<b>Supporting evidence</b>	<b>Impact and outcomes from this support and advice</b>
1	Please detail any additional attendance information. i.e. If the pupil has attended different schools. Please include dates		
2	When did this pupil's behaviour first become a concern?		

3	<p>When was the pupil been discussed with the SENCO? What assessment has taken place and what does this show?</p> <p>Give examples. E.g. Have you completed additional observation around the child? Have you completed any assessment around their literacy skills? Have you completed a Boxall profile and implemented strategies?</p>		
4	<p>Please outline how you have implemented the school's behaviour policy.</p>		
5	<p>Is this a pupil in care? Have you spoken to the Headteacher of the Virtual School? What support is in place through the PEP to help this pupil?</p> <p>The Headteacher of the Virtual School should be informed of <u>any</u> exclusion of a child in care <u>prior</u> to the exclusion taking place. Please provide details of the actions agreed.</p>		
6	<p>Please describe the pupil's SEN status</p> <p>E.g. First identified as SEN support, primary need, date of most recent SEN support plan, current support in place.</p>		
7	<p>Please describe how you have involved the parents/carers in the support and planning for this pupil?</p> <p>Please include dates of any structured conversations, planning meetings that has taken place</p>		
8	<p>Does this child have enhanced provision?</p> <p>Does the child have an EHC?</p> <p>How much funding is allocated?</p> <p>How long has this been in place? How is this funding used?</p>		
9	<p>Has the CARE schedule been completed?</p> <p>Please include dates and how you have addressed the areas identified.</p>		

10	<p>Has the pupil been discussed with any Specialist Teacher? Please include dates and detail the strategies and suggestions made and how you have acted on them.</p>		
11	<p>Has the pupil been discussed at consultation with an Education Psychologist? Please include dates and detail the strategies and suggestions made and how you have acted on them.</p>		
12	<p>Has the pupil received any support from the Attendance and Behaviour Service? Please detail an overview of the help provided.</p>		
13	<p>Are you aware of any health needs that may impact upon the pupil?</p> <p>Has the child been referred to the School Nurse Service? Is the pupil open to any specialist services such as CAMHS, Speech and Language, Woodview, etc?</p> <p>Please summarise a list of any health services that are working with the pupil and any advice, guidance or strategies that have been provided to support their health needs. Please describe how you have implemented this guidance and what the outcomes have been.</p>		
14	<p>What support is in place for the wider family? E.g. Has the family's level of need been identified? Is there a CAF? Family Support Worker? Are there any social care needs identified? Please briefly outline involvement.</p>		
15	<p>Has the pupil had any fixed term exclusions? Please include dates and reasons for exclusion and a brief outline of the reintegration plan.</p>		

16	Has the pupil been discussed with the Chair of Governors? Have they suggested any further actions?		
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Name of person completing this form: \_\_\_\_\_ Role in school: \_\_\_\_\_

Signature: \_\_\_\_\_

Headteacher signature: \_\_\_\_\_



**1. NOTIFICATION OF PUPIL SUSPENSION 2022-2023**

**DfE Exclusion Guidance**

Upon completion and once the information has been added to the 'exclusions' tab on SIMs, please email within **5 school days** to [Debbie.houghton@halton.gov.uk](mailto:Debbie.houghton@halton.gov.uk), [Mark.woods@halton.gov.uk](mailto:Mark.woods@halton.gov.uk) and [hbss@halton.gov.uk](mailto:hbss@halton.gov.uk). If necessary, any additional documents can be sent by post to the Education Welfare Service, 2<sup>nd</sup> Floor Rutland House, Halton Lea, Runcorn, WA7 2ES

<b>School Name:</b>					
Pupil Surname:			Pupil Forename:		
Date of Birth:			Year Group:		
Pupil Address:					
Gender:	Male	<input type="checkbox"/>	Female	<input type="checkbox"/>	Unique Pupil Number
Ethnicity:					
Current stage of social care (highlight)	None	<input type="checkbox"/>	CAF	<input type="checkbox"/>	CiN
		<input type="checkbox"/>		<input type="checkbox"/>	CP
		<input type="checkbox"/>		<input type="checkbox"/>	CiC
If applicable, please include the Care Authority or names of relevant adults / social workers					

**For a child in care to Halton please notify the appropriate Halton PEP Coordinator as soon as the decision has been made.**

**Previous Exclusions in the last 12 months?**

Date(s)	Duration (no. of sessions)	Reason	Date of Re-integration meeting

**KS3 ONLY**

Has this child been involved the Secondary SEMH Re-Integration and Outreach Core Offer from The Bridge School? If yes, please give details		
Dates	Duration	Targets & Outcomes

**SEN Status: (please highlight)**

None	SEND Support	Undergoing Statutory Assessment	EHC Plan		
If indicated, what is the pupil's <b>prime</b> area of need?		Communication & Interaction	Cognition & Learning	Social, Emotional & Mental Health	Sensory & Physical

**Primary reason for exclusion**

Physical assault against a pupil	Physical assault against an adult	Verbal abuse/threatening behaviour against a pupil	Verbal abuse/threatening behaviour against an adult	Bullying	Racist abuse	Use or threat of use of an offensive weapon or prohibited item	Sexual misconduct
Damage	Theft	Persistent disruptive behaviour	Abuse against sexual orientation and gender identity	Abuse relating to disability	Inappropriate use of social media or online technology	Drug and alcohol related	Wilful and repeated transgression of protective measures in place to protect public health <i>This should only be used if other measures have previously been put in place in line with your updated Behaviour Policy</i>

Please tick **one** box above with main reason for the exclusion. The DfE does allow up to 3 reasons to be recorded for the exclusion. If you are using more than 1 reason, please number them 1, 2 and 3 so that we can see the primary reason.

**Please include detailed information as to the reason for the exclusion**

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**Type of Exclusion**

Fixed Term		Lunch time	
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Once a child has had 1 fixed term exclusion, the school should complete the LA's CARE schedule and put strategies in place such as a behaviour plan in order to meet the needs of the pupil. All of the required documents can be found [here](#).

Start Date of Exclusion		Number of Lunch times <b>ONLY COMPLETE IF THIS IS A LUNCHTIMES ONLY EXCLUSION</b>	
Return Date:		Number of sessions excluded	

**Education Provision**

**(from September 2017 provision arrangements for full time educational provision must be made from the 6<sup>th</sup> consecutive day of an exclusion, this includes uninterrupted consecutive fixed term exclusions where the child does not return to school in between the periods of exclusion).**

*'Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school should take reasonable steps to set and mark work for the pupil. Work that is provided should be accessible and achievable by the pupil outside school.'* (DfE Exclusion Guidance September 2017).

**Please identify arrangements for this to be complied with.**

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**A guide to the law [DfE Exclusion Guidance](#)**

*Only the Headteacher of a school can exclude a pupil and it must be on disciplinary grounds.*

*The head teacher must, without delay, notify the governing board and the local authority of:*

- *any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);*
- *any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and*
- *any exclusion which would result in the pupil missing a public examination or national curriculum test.*

*The head teacher must also notify the local authority and governing board once per term of any other exclusions not already notified.*

*Notifications must include the reason(s) for the exclusion and the duration of any fixed-period exclusion.*

**Governors must consider an exclusion in the following circumstances:**

- *the exclusion is permanent;*
- *it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term; or*
- *it would result in a pupil missing a public examination or national curriculum test;*
- *The pupil has been excluded for more than 5 days but less than 15 days in one term AND the parent makes representations to the governors.*

**Date of Governors' Meeting:** \_\_\_\_\_  
*(if required or requested)*

**Form completed by:** \_\_\_\_\_ **Role** \_\_\_\_\_

**Date:** \_\_\_\_\_



