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The Castle School

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Suspension and Permanent Exclusion Policy

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Introduction

The Castle Partnership Trust and each school within the Trust aims to ensure that:

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

Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/61222/suspension-and-permanent-exclusion-from-maintained-schools-academies-and-pupil-referral-units-in-england-including-pupil-movement.pdf)

It is based on the following legislation:

- the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- 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 Suspend or Permanently Exclude

Only the Headteacher can suspend or permanently exclude a student from school. In the absence of the Headteacher, the acting Headteacher or CEO can suspend or permanently exclude a student.

A decision to suspend or permanently exclude a student will only be taken in line with the school's Behaviour policy. Before deciding whether to suspend or permanently exclude a student, the Headteacher will consider all the relevant facts and evidence and consider if the student has SEND. The school will make reasonable adjustments for managing behaviour which is related to a student's disability.

Returning from a Suspension

Following a suspension, a reintegration meeting will be held with the student, parents/carers and the student's Head of House and/or member of the Strategic Leadership Team (SLT). This meeting is essential before the student returns to school, as the purpose of the meeting is to discuss how best the student's return to school can be managed.

Definition

For the purposes of suspensions and exclusions, a school day is defined as any day on which there is a school session. Therefore, inset days do not count as school days.

A student can be suspended for one or more fixed periods, up to a maximum of 45 days in a single academic year.

During the first five days of a suspension or permanent exclusion, the school will set and mark work for the student to ensure students continue to receive their education. The Trust will arrange suitable full-time education (alternative provision) from the sixth day of suspension. For permanent exclusions, the Local Authority will arrange suitable full-time education for the student from the sixth school day after the permanent exclusion took place.

Informing Parents/Carers

The Headteacher will, without delay, notify parents/carers in writing of:

- the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- the reasons for the suspension or permanent exclusion;
- the parent/carers' right to make representations about the suspension or permanent exclusion to governors and how the student may be involved with this;
- how any representations should be made;
- where there is a legal requirement for governors to consider the suspension or permanent exclusion, that parents/carers have the right to attend a meeting, to be represented at the meeting and to bring a friend;
- the days on which there is a legal requirement for parents/carers to ensure that the suspended/excluded child is not present in a public place during school hours without good reason.

If alternative provision is being arranged, the following information will be provided to parents/carers without delay:

- the start date of any provision of full-time education that has been arranged for the student during the suspension or permanent exclusion;
- the start and finish times of any such provision;
- the address where the provision will take place;
- any information required by the student to identify the person they should report to on the first day.

Informing Social Workers and Virtual School Heads

A student's social worker and, if the student is a Looked After Child (LAC), the Virtual School Head, will be notified of the suspension or permanent exclusion and the reason(s) for it. Both the social worker and virtual school head will be informed when a governors' meeting is taking place, in order to share information. The social worker and/or the virtual school head can attend the meeting, should they wish to do so.

Informing Governors

The Headteacher will, without delay, notify governors of:

- a permanent exclusion;
- any suspension which would result in the student being suspended for a total of more than 5 school days in a term;
- any suspension which would result in the student missing a public examination or national curriculum test.

Informing the Local Authority

The Local Authority will be informed, without delay, of all suspensions or permanent exclusions.

Governors' Responsibility to Consider a Suspension or Permanent Exclusion

Responsibilities regarding suspensions and exclusions are delegated to the Local Governing Bodies (LGBs).

A panel comprising three governors from the Trust's LGBs will meet to consider the reinstatement of a suspended or excluded student within 15 school days of receiving notice of the suspension or exclusion when:

- it is a permanent exclusion;
- it is a suspension which would bring the student's total number of school days out of school to more than 15 in one term;
- it would result in the student missing a public examination or national curriculum test.

A panel comprising three governors from the Trust's LGBs will consider representations from parents/carers within 50 school days of receiving notification of the suspension/exclusion when a student would be suspended for more than five but less than 16 school days in a term.

The following parties will be invited to a meeting of the LGB:

- parents/carers (and, where requested, a representative or friend);
- the headteacher;
- the student's social worker, if the student has one;
- the virtual school head if the student is LAC;
- taking into account the student's age and understanding, the student can attend and participate in the meeting and should be enabled to make a representation on their own behalf if they wish to do so.

When a suspension does not bring the student's total number of days of suspension to more than five in a term, governors must meet to consider any representations made by parents/carers. There is no deadline for this meeting to be arranged.

Where governors are legally required to consider the reinstatement of a suspended or permanently excluded student, they will consider both the interests and circumstances of the suspended or permanently excluded student and that of other students, staff and the school community. When establishing the facts in relation to a suspension or permanent exclusion, governors will apply the civil standard of proof, ie 'on the balance of probabilities' (it is more likely than not that a fact is true), rather than the criminal standard of 'beyond reasonable doubt'. In reaching a decision, governors will consider whether the decision to suspend or permanently exclude was lawful, reasonable and procedurally fair.

Governors can either decline to reinstate the student or direct reinstatement of the student immediately, or on a particular date. If governors decline to reinstate a permanently excluded student, parents/carers can request an independent review. Details of how to request an independent review will be included in the letter notifying parents/carers of a decision not to reinstate a permanently excluded student.

Clear minutes will be taken of the governors' meeting which can be made available to all parties on request. The minutes will record how the decisions have been reached.

If parents/carers believe that the permanent exclusion has occurred as a result of discriminations, they may make a claim to the First-tier Tribunal (SEND) or County Court up to six months after the discrimination is alleged to have occurred.

Independent Review

If parents/carers request an independent review, the Trust will arrange for an independent panel to review the decision of the LGB not to reinstate a permanently excluded student.

Applications for a review must be made within 15 school days of notice being given to the parents/carers of the LGB's decision not to reinstate a permanently excluded student. An application made outside of this legal time frame will be rejected by the Trust.

A panel of three or five members will be constituted with representatives from each of the following categories:

- 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;
- current or former school governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or headteachers during that time;
- headteachers or individuals who have been a headteacher within the last five years.

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- uphold the governors' decision not to reinstate;
- recommend that the LGB reconsiders reinstatement;
- quash the governors' decision and direct that the LGB reconsiders reinstatement.

Documents relating to the Exclusion Policy

The Castle Partnership Trust's policies:

Behaviour for Learning (Secondary Schools) Policy

Positive Behaviour Policies for Wellesley Park School and IKB School

SEND Policy

Anti-bullying Policy.