Riccall Community Primary School

Exclusion and Suspension Policy

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Contents

- Aims
- Legislation and Statutory Guidance
- Definitions
- Off-Rolling
- Roles and Responsibilities: The Headteacher
- Roles and Responsibilities: The Governing Body
- The Local Authority (LA)
- Considering the Reinstatement of a Pupil
- Independent Review
- School Registers
- Returning from a Suspension
- Remote Access to Meetings

- Monitoring Arrangements
- Links with Other Policies

Aims

At Riccall Community Primary School, we are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Legislation and Statutory Guidance

This policy is based on the latest statutory guidance from the Department for Education:

- "Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including Pupil Movement" (DfE Statutory Guidance, updated to reflect current regulations)

It also has regard to the following legislation and documents:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out 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 Equality Act 2010
- Children and Families Act 2014
- The North Yorkshire Council (NYC) SEND Graduated Response Framework

Definitions

- **Suspension** – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.
- **Permanent exclusion** – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.
- **Off-site direction** – when a governing body of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.
- **Parent** – any person who has parental responsibility and any person who has care of the child.
- **Managed move** – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Off-Rolling

At Riccall Community Primary School, we are 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 will not suspend or exclude pupils unlawfully by directing them off-site or not allowing pupils to attend school:

- Without following the statutory procedure or formally recording the event
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- By exerting undue influence on parents/carers to encourage them to remove their child from the school.

Roles and Responsibilities - The Headteacher

Only the Headteacher, or Acting Headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.
A decision to suspend or permanently 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 suspend or exclude a pupil, the headteacher will:

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked.
- Allow, *where appropriate, the pupil to give their version of events.
- Perform a Manifestation Review: Consider whether the pupil has identified or suspected Special Educational Needs and/or Disabilities (SEND). In line with the Equality Act 2010 and the NYC SEND framework, the Headteacher will formally evaluate whether the incident was a direct manifestation of the pupil's underlying unmet needs or sensory triggers. Disciplinary sanctions—including suspension—are never applied automatically

to pupils with SEND.
- Consider whether the pupil is especially vulnerable (e.g., the pupil has a social worker, or is a looked-after child (LAC)).
- Verify whether the NYC Graduated Response pathways have been fully utilised, including documented review of 'Short Notes', adjustments to co-produced Behaviour Support Plans (BSP), and formal consultation with the North Yorkshire SEND Hubs or Early Help Assessments.
- Consider whether alternative solutions have been explored, such as off-site direction or managed moves.

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

Informing parents

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay. The parents will also be provided with the following information in writing, without delay:
- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing body and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing body to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend
- That parents/the pupil have the right to request that the meetings be held remotely, and how and to whom they should make this request, however meetings held via the use of remote access should not be a default option and face-to-face meetings are encouraged.

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:
- For the first 5 school days of an exclusion (or until the start date of any alternative

provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies. 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, if possible:

- 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 the pupil needs to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

Informing the Governing Body

The Headteacher will, without delay, notify the governors of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

The Headteacher will notify the governing body once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons for the cancellation.

Informing the Local Authority (LA)

The Headteacher will notify the LA of all suspensions and permanent exclusions without delay,

regardless of the length of a suspension. The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

Informing the pupil's social worker and/or virtual school head (VSH)

If a pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher will inform the social worker as early as possible . If a pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher will inform the VSH as early as possible. This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, they will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker / VSH will be invited to any meeting of the governing body about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by a sub-committee from the local governing committee. This practice is sometimes known as withdrawing/rescinding a suspension or exclusion.

Where there is a cancellation:

- The parents, governing body and LA will be notified without delay

- Where relevant, any social worker and VSH will be notified without delay
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation
- The notification must provide the reason for the cancellation
- The governing board's duty to hold a meeting and consider reinstatement ceases
- As referred to above, the headteacher will report to the governing body once per term on the number of cancellations
- The pupil will be allowed back in school

Any days spent out of school as a result of any exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year. A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative provision (AP), the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways such as the school website, Microsoft Teams or Oak Academy may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

Roles and Responsibilities: The Governing Body

Considering suspensions and permanent exclusions

The governing body has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded pupil in certain circumstances.

Within 14 days of receiving a request, the sub-committee of the governing body will provide the secretary of state with information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the governing body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Monitoring and analysing suspensions and exclusions data

The governing body will challenge and evaluate the data on the school's use of suspension, exclusion, off-site direction to alternative provision and managed moves.

The governing body will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or permanent exclusion
- Any variations in the rolling average of permanent exclusions, to understand why this is happening, and to make sure they are only used when necessary
- Timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- The characteristics of suspended and permanently excluded pupils, and why this is taking place
- 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 and that pupils are benefiting from it
- The cost implications of directing pupils off-site

The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

Considering the Reinstatement of a Pupil

The governing body will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term

- It would result in a pupil missing a public exam or National Curriculum test
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Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term, the governing body must consider any representations made by parents. However, it is not required to arrange a meeting with parents, and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the governing body will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet, and it cannot direct the headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the governing body will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the governing body may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

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

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

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

The governing body will either:

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

In reaching a decision, the governing body will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and

procedurally fair
- Whether the headteacher followed their legal duties and gave proper statutory regard to the Equality Act 2010 and conducted an authentic manifestation review for a pupil with SEND
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the governing body

They will decide whether or not a fact is true ‘on the balance of probabilities'. The clerk will be present when the decision is made. Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil’s educational record, and copies of relevant papers will be kept with this record.

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

- The parents, or the pupil, if they are 18 or older
- The headteacher
- The pupil’s social worker, if they have one
- The VSH, if the pupil is looked after
- The local authority
- The pupil’s home authority, if it differs from the school’s

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

- The fact that it is a permanent exclusion
- Notice of parents’ right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the local governing committee's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil’s special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the local authority to appoint a SEN expert to advise the review panel
- Details of the role of the SEN expert and that there would be no cost to parents for this appointment
- That parents must make clear if they wish for a SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

- That, if parents believe that the permanent exclusion has occurred as a result of unlawful discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. Any claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place.

Independent Review

If parents apply for an independent review within the legal timeframe, the school will arrange for an independent panel through the Local Authority to review the decision of the governing body to not reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parent by the governing body of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governor category and 2 members will come from the headteacher category. At all times during the review process there must be the required representation on the panel.

- 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 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 or director of the Trust 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 Trust or the local governing committee, 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 Trust school, local governing committee, 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.

The panel must consider the interests and circumstances of the pupil, including the

circumstances in which the pupil was permanently excluded, and have regard to the interests of other pupils and people working at the school. Taking into account the pupil's age and understanding, the pupil or their parents will be made aware of their right to attend and participate in the review meeting and the pupil should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the pupil's permanent exclusion. Where a social worker is present, the panel must have regard to any representation made by the social worker of how the pupil's experiences, needs, safeguarding risks and/or welfare may be relevant to the pupil's permanent exclusion. Where a VSH is present, the panel must have regard to any representation made of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion or are relevant to the pupil's permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the governing body's decision
- Recommend that the governing body reconsiders reinstatement
- Quash the governing body's decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced. In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the governing body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the governing body and that it ought to have considered if it had been acting reasonably.
If evidence is presented that the panel considers it is unreasonable to expect the governing body to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the governing body reconsider reinstatement.

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote. Once the panel has reached its decision, the panel will notify all parties in writing without delay. This notification will include the panel's decision and the reasons for it, details of any financial readjustment or payment required if the governing body does not reinstate within 10 school days, and any information directed to be placed on the pupil's educational record .

School Registers

A pupil's name will be removed from the school admission register if:

- 15 school days have passed since the parents were notified of the local governing committee'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 within 15 school days, the governing body will wait until that review has concluded before removing a pupil's name from the register. While the pupil's name remains on the school's admission register, the pupil's attendance will still be recorded appropriately. 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.

Making a return to the LA

Where a pupil's name is to be removed from the school admissions register because of a permanent exclusion, the school will make a return to the LA. The return will include:

- The pupil's full name
- The full name and address of any parent with whom the pupil normally resides
- At least 1 telephone number at which any parent with whom the pupil normally resides can be contacted in an emergency
- The grounds upon which their name is to be deleted from the admissions register (i.e., permanent exclusion)
- Details of the new school the pupil will attend, including the name of that school and the first date when the pupil attended or is due to attend there, if the parents have told the school the pupil is moving to another school
- Details of the pupil's new address, including the new address, the name of the parent(s) the pupil is going to live there with, and the date when the pupil is going to start living there, if the parents have informed the school that the pupil is moving house

This return must be made as soon as the grounds for removal are met and no later than the removal of the pupil's name.

Returning from a Suspension

Reintegration Strategy

Following suspension, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education. Where necessary, the school will work

with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

The following measures may be implemented as part of the strategy to ensure a successful reintegration into school life (these points are suggestions and frameworks only):

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school
- Daily contact in school with a designated pastoral professional
- Mentoring by a trusted adult or a local mentoring charity
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage
- Informing the pupil, parents and staff of potential external support

Environmental Tracking & Reduced Timetable Limits

- **Adjusting the Behaviour Support Plan:** During the reintegration strategy phase, the pupil's individual co-produced Behaviour Support Plan (BSP) must be formally reviewed. Staff will assess environmental triggers and classroom adjustments (such as seating placements, visual cues, or sensory breaks) to minimize future dysregulation.
- **Part-Time Timetables:** Part-time or reduced timetables will only ever be used as an exceptional, short-term measure in the best interests of the child, and never as a punitive tool to manage behavior. If used, they will be put in place for the minimum time necessary. The Class Teacher, supported closely by the SENCO and Senior Leadership Team, will retain regular oversight, track the pupil's emotional progress, and actively manage the transition back to safe, full-time education.

Reintegration Meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community. The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting. The meeting can proceed without the parents in the event that they cannot or do not attend. The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

Remote Access to Meetings

Parents can request that a governing board meeting, or independent review panel be held remotely. If the parent doesn't express a preference, the meeting will be held in person. In case

of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely.

Remotely accessed meetings are subject to the same procedural requirements as in-person meetings. The governing board should make sure that the following conditions are met before agreeing to let a meeting proceed remotely:

- All the participants have access to the technology which will allow them to hear, speak, see and be seen
- All the participants will be able to participate fully
- The remote meeting can be held fairly and transparently

Social workers and the VSH always have the option of joining remotely, whether the meeting is being held in person or not, as long as they can meet the conditions for remote access listed above.

The meeting will be rearranged to an in-person meeting without delay if technical issues arise that can't be reasonably resolved and:

- Compromise the ability of participants to contribute effectively, or
- Prevent the meeting from running fairly and transparently

Monitoring Arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions, and managed moves
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed termly by the headteacher and will report back to the governing body termly. The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- By time of day/week/term
- By protected characteristic (including SEND status)

Links with Other Policies

This exclusions policy is linked directly to our:

- Behaviour Policy (includes information on Restrictive Interventions)
- Special Educational Needs and Disabilities (SEND) Policy and Information Report
- Child Protection Policy