



SUSPENSION AND EXCLUSION POLICY

Approved by: Reigate School Full Governing Board **Date:** 20th March 2024

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1. Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by governors, staff, parents, carers and children
- Children in school are safe and happy
- Children do not become NEET (not in education, employment or training)

2. Legislation and statutory guidance

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

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

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The School Discipline (Pupil Exclusions and Reviews)(England)(Amendment and Transitional Provision) Regulations 2023
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at parental responsibility for excluded children
- 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 \(Provision of Full-Time Education for Excluded Children\) \(England\) \(Amendment\) Regulations 2014](#)

This policy complies with our Funding Agreement and Articles of Association.

3. The decision to suspend or exclude

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a child from school. A permanent exclusion will be taken as a last resort.

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

3.1 Suspension

for a serious breach of school rules. The school rules are described in the school Behaviour & Rewards Policy.

3.2 Permanent Exclusion

A decision to permanently exclude a child will be taken only:

- In response to serious or persistent breaches of the school's Behaviour & Rewards Policy, **and**
- If allowing the child to remain in school would seriously harm the education or welfare of others

Our school is aware that off-rolling is unlawful. Off-rolling is described as:

“...the practice of removing a child from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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 child.”

Before deciding whether to suspend or exclude a child, either for a fixed period or permanently, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the child to give their version of events
- Consider if the child has special educational needs (SEN)

4. Definition

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

5. Roles and responsibilities

5.1 The Headteacher

Informing parents/carers

The Headteacher will immediately provide the following information, in writing, to the parents/carers of an excluded child:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents'/carers' right to make representations about the suspension or permanent exclusion to the Governing Board and how the child may be involved in this
- Where there is a legal requirement for the Governing Board to meet to consider the reinstatement of a child, and that parents/carers have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents/carers on the day their child is either suspended or permanently excluded that for the first 5 school days of a suspension or permanent exclusion, or until the start date of any alternative provision or the end of the suspension where this is earlier, parents/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents/carers of a suspension or permanent exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information required by the child to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the day, it may be provided in a subsequent notice, but it will be provided no later than 48 hours before the provision is due to start. The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case the information can be provided with less than 48 hours' notice with parents'/carers' consent.

5.2 Informing the Governing Board and Local Authority

The Headteacher will notify the local authority (LA) without delay all suspensions regardless of the length of the suspension and permanent exclusions.

The Headteacher will immediately notify the Governing Board and the LA of:

- A permanent exclusion, including when a suspension is made permanent
- Any suspension or permanent exclusion which would result in the child 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 child missing a public examination

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

The Headteacher will also notify the Governing Board once a term of any other suspensions of which they have not previously been notified.

5.3 The Governing Board

Suspensions where the total number of suspended days is over 15 school days in any one term, suspensions which would cause the child to miss a public examination and permanent exclusions will be reviewed by Reigate School's Governing Board. The Governing Board will meet to consider the suspension or permanent exclusion.

The Governing Board has a duty to consider whether to reinstate the child (see section 6).

For suspensions which do not bring a child's total number of day's suspension to more than 5 school days in a term, the Governing Board will consider any representations made by parents/carers but they are not required to meet and are unable to direct reinstatement.

5.4 The LA

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

6. Considering the reinstatement of a child

Reigate School's Governing Board will consider the reinstatement of an excluded child within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the child's total number of school days of exclusion to more than 15 in a term
- It would result in a child missing a public examination

If requested to do so by parents/carers, Reigate School's Governing Board will consider the reinstatement of a suspended child within 50 school days of receiving notice of the suspension if the child would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or permanent exclusion would result in a child missing a public examination, Reigate School's Governing Board will consider the reinstatement of the child before the date of the examination. If this is not practicable, the Chair of the Governing Board plus any one member of the Governing Board (or the Vice-Chair where the Chair is not available plus any one member of the Governing Board) will consider the exclusion independently and decide whether or not to reinstate the child. In the event that the decision to permanently exclude is upheld, the school will use their best endeavours to ensure appropriate provision is in place for the child to sit the public examination(s) that will be impacted by the permanent exclusion.

The Governing Board can either:

- Decline to reinstate the child, or
- Direct the reinstatement of the child immediately, or on a particular date

In reaching a decision, the Governing Board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the child's educational record.

The Clerk of Governors on behalf of the Governing Board will notify, in writing, the Headteacher, parents/carers and the LA of the Governing Board's decision, along with reasons for their decision, without delay.

Where an exclusion is permanent, and the Governing Board has decided not to reinstate the child, the Governing Board's notification will include the following:

- The fact that the exclusion is permanent
- Notice of parents'/carers' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the child's SEN are considered to be relevant to the permanent exclusion
 - That, regardless of whether the excluded child has recognised SEN, parents have a right to require Reigate School to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
 - That parents/carers 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/carers believe that the permanent exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

7. An independent review

Reigate School register for the Surrey Schools Appeal Service. If parents/carers apply for an independent review, the Surrey Schools Appeal Service will arrange for an independent panel to review the decision of the Governing Board not to reinstate a permanently excluded child.

Applications for an independent review must be made within 15 school days of notice being given to the parents/carers by the Governing Board of its decision to not reinstate a child.

The Independent Review Panel (IRP), will comprise of three-members;

- One lay member to chair the panel
- A current or former school governor (who has served at least 12 consecutive months in the last 5 years), and
- One serving, or recently retired (within the last 5 years), headteacher.

All Panel members will be completely independent of, and have no connection with, Reigate School or Greensand Multi Academy Trust. A clerk will also be present to provide advice to the IRP and parties to the review on procedure, legislation and statutory guidance on exclusions.

The independent panel will decide one of the following:

- Uphold the the Governing Board's decision
- Recommend that the Governing Board reconsiders reinstatement
- Quash the Governing Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

8. School registers

A child's name will be removed from the school admissions register if:

- 15 school days have passed since the parents/carers were notified of the Governing Board's decision to not reinstate the child and no application has been made for an independent review panel, and/or
- The parents/carers have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Governing Board will wait until that review has concluded before removing a child's name from the register.

9. Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the child, parents/carers, a member of senior staff and other staff, where appropriate.

10. Links with other policies

This Suspension and Exclusion Policy is linked to our:

- Behaviour & Rewards Policy
- SEN Policy and Information Report

11. Child Support Centre

Where deemed appropriate by the Headteacher, the Child Support Centre (CSC) may be used as an alternative to a suspension at Reigate School.

The CSC is situated in a well-equipped room on the school site.

Children are set work by their subject teachers and this is completed at the CSC under the supervision and support of the CSC Manager.

A short stay at either The Carrington School, Oakwood School or St Bede's School can also be used as an alternative to a suspension.

This policy will be reviewed by the Headteacher every 2 years. At every review, the policy will be shared with and approved by the Governing Board.

Appendix 1: Independent review panel training

Reigate School/ Surrey Schools Appeal service must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

The requirements of the primary legislation, regulations and statutory guidance governing suspensions and permanent exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making

- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the chair and the clerk of a review panel
- The duties of headteachers, governing boards and the panel under the Equality Act 2010

The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act