

# Stokesay Primary School



## Suspension and Exclusion Policy

**RATIFICATION:** Sep 25

**DATE OF NEXT REVIEW:** Sep 26

**REVIEWED BY:** Executive Headteacher

**APPROVED BY:** Local Governing Body

Stokesay Primary School  
Suspension and Permanent Exclusion Policy  
Statutory, Ofsted-ready (inline, idiot-proof)

## 1. Aims

We will follow all statutory exclusion procedures so every child receives an education in a safe, caring environment.

- Apply the process fairly, lawfully and consistently.
- Help governors, staff, parents/carers and pupils understand each step.
- Keep pupils safe and learning; prevent pupils becoming NEET.
- Actively prevent unlawful 'off-rolling'.
- Use permanent exclusion only as a last resort.

### A note on off-rolling

We will not remove a pupil from roll, or pressure a parent/carer to remove a pupil, or restrict attendance, except via the lawful suspension or permanent exclusion process set out in the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and DfE statutory guidance (Sept 2023). Doing so would constitute unlawful 'off-rolling'.

## 2. Legislation and statutory guidance

This policy follows DfE statutory guidance: "Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement" (effective from September 2023). It reflects:

- Education Act 2002 (s51A, as amended) and Education Act 2011.
- School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012.
- Education and Inspections Act 2006 (parental responsibility during exclusions).
- Education (Provision of Full-Time Education for Excluded Pupils) (England) Regs 2007 (as amended 2014).
- Equality Act 2010; Children and Families Act 2014.
- Education Act 1996 s579 ('school day' definition).
- The School Inspection Handbook (definition of off-rolling).
- Trust funding agreement and articles of association.

## 3. Definitions

- Suspension: removal from school for a fixed period ('fixed-term').
- Permanent exclusion: removal from roll ('exclusion').
- Off-site direction: governing board requires attendance elsewhere temporarily to improve behaviour.
- Managed move: permanent transfer to another school, with consent of all parties.
- Parent/carer: anyone with parental responsibility or day-to-day care.

## 4. Roles and responsibilities

### 4.1 Headteacher

Only the Executive Headteacher (or Head of School) can suspend or permanently exclude a pupil on disciplinary grounds (for behaviour in or out of school). Permanent exclusion is a last resort.

### When a suspension may be used

- For serious or persistent breaches of the behaviour policy; and
- Where allowing the pupil to remain would seriously harm the education or welfare of others; and/or
- To signal that current behaviour places the pupil at risk of permanent exclusion.

### Before deciding to suspend or permanently exclude, the headteacher will

- Consider all relevant facts on the balance of probabilities (including provocation).
- Allow the pupil to give their account (with advocacy if needed).
- Consider SEND, reasonable adjustments, and vulnerability (LAC/child with a social worker).
- Consider whether alternatives (reasonable adjustments, targeted support, off-site direction, or a managed move) have been explored.

### Informing parents/carers

- Inform parents/carers as early as possible if suspension/exclusion is being considered to explore support.
- On decision: tell parents/carers without delay (in person/phone) of the length and reason(s).
- Provide written notice without delay including: reasons; length (or permanence); how to make representations to governors; right to attend with a representative/friend; and the option to request a remote meeting.
- If the pupil is of compulsory school age: notify parents by the end of day 1 that for the first 5 school days (or until AP starts) they must ensure the child is not in a public place during school hours without good reason (risk of penalty notice).

### Alternative provision (AP) information

- If AP is arranged, provide start date, times, address and first-day reporting details.
- If not available by end of day 1, provide details as soon as known and no later than 48 hours before AP starts (unless AP begins before day 6 and parents/carers consent to shorter notice).

### Cancelling a suspension or exclusion

- The head may cancel an exclusion that has not yet been reviewed by governors; notify parents/carers, governors, LA, and (where relevant) social worker/VSH without delay and state the reason.
- Any days already out still count towards the 45-day annual limit.

### Education during days 1–5

- Set and mark achievable work (considering SEN).
- Where the pupil is looked after or has a social worker, work with the LA to arrange AP from day 1 where possible.

### Notifying others

- Governing board: without delay for all permanent exclusions; suspensions totalling >5 days in a term; any that miss a National Curriculum test or public exam; and any cancellations. Term summary for other suspensions.
- Local authority: all suspensions and permanent exclusions without delay; notify home LA if different; notify LA of cancellations and reasons.
- Social worker/VSH: inform as early as possible if a child with a social worker or a looked-after child is at risk; notify without delay on decision (and on cancellation). Invite them to governing board meetings.

## 4.2 Governing board

Exclusions responsibilities are delegated to the local governing board (LGB) – an exclusion panel of at least three governors.

- Consider parents'/carers' representations and, where required, the reinstatement of a pupil within statutory time limits.
- Arrange suitable full-time education from day 6 for suspensions over 5 days.

- Monitor and analyse data on suspensions, permanent exclusions, off-site direction and managed moves (e.g., repeat suspensions, protected characteristics, timing/patterns, effectiveness of interventions).

#### 4.3 Local authority (LA)

- Permanent exclusions: arrange suitable full-time education from day 6.
- Where pupils are looked after or have a social worker: work with school to arrange education from day 1 where possible.

### 5. Considering the reinstatement of a pupil

The governing board will consider and decide on reinstatement within statutory limits:

- Permanent exclusion: within 15 school days of notice.
- Suspensions where total days >15 in a term: within 15 school days.
- Suspensions of >5 but ≤15 days (in a term): within 50 school days if parents/carers make representations.
- Where a public exam or National Curriculum test would be missed: consider before the date where practicable.

Invite and allow representations from parents/carers (and representative/friend), the pupil (if appropriate), the headteacher, the social worker (if any) and VSH (if LAC).

Decision options: decline to reinstate; or direct reinstatement immediately or from a set date (unless not permitted in law). Decisions are on the 'balance of probabilities'.

Notify parents/carers, the headteacher, LA(s), social worker and VSH in writing without delay, giving reasons. Record minutes, evidence considered, and outcomes on the pupil record.

### 6. Independent review (IRP)

Where parents/carers apply within 15 school days, the academy trust will arrange (and fund) an independent review panel (IRP). Panels can meet remotely at parents' request.

- Panel of 3 or 5: lay chair; governor(s) (12+ months' service in last 5 years, not current teacher/head); headteacher(s)/former head within 5 years.
- Disqualifications include any connection raising doubts about impartiality, or lack of required training within the last 2 years.
- The panel considers the pupil's interests and circumstances, SEN, and (where present) representations by the social worker and VSH.
- Outcomes: uphold GB decision; recommend reconsideration; or quash and direct GB to reconsider (if decision was flawed).

New evidence may be presented, but the school cannot introduce new reasons for exclusion/non-reinstatement. The panel's written outcome is sent to all parties without delay.

### 7. School registers

- Remove from roll after 15 school days from the GB decision not to reinstate (if no IRP requested), or after the IRP process concludes.
- Attendance codes while on roll: B (off-site education) or D (dual registration) for attended AP; E (absent) if not attending AP.
- On removal from roll for permanent exclusion: make the statutory return to the LA with required details without delay.

## **8. Returning from a suspension – reintegration**

### **8.1 Strategy**

We will put in place a clear reintegration plan to support a successful return to full-time education, including identification of any unmet SEND/health needs and reasonable adjustments.

- Regular check-ins with a named adult; positive welcome on return ('fresh start').
- Mentoring or pastoral support; reasonable adjustments to routines where needed.
- Planned reviews with the pupil and parents/carers to celebrate progress and address concerns early.
- Part-time timetables are not used as a behaviour sanction and, if used for other lawful reasons, will be for the shortest time necessary with a clear plan back to full time.

### **8.2 Reintegration meetings**

- Held before or on the day of return; pupil, parents/carers and relevant staff invited (meeting may proceed if parents cannot attend).
- Expectations are explained in simple, positive terms; support, adjustments and monitoring are agreed and recorded.

## **9. Remote access to meetings (GB/IRP)**

- Parents/carers can request remote access; in-person is the default if no preference.
- Remote meetings must allow all participants to hear/speak/see and be seen; participants must be able to contribute fully; proceedings must be fair and transparent.
- If technical issues prevent fairness/transparency, rearrange without delay (in person if necessary).
- Social workers and VSHs may always join remotely if conditions above are met.

## **10. Monitoring and evaluation**

- Collect and analyse data on suspensions, permanent exclusions, off-site directions, managed moves, and use of AP.
- Analyse by age, term/time of day, reason, and protected characteristics; review attendance and repeat suspensions.
- Use findings to check Equality Act compliance and to adjust policy, support and interventions.
- Report to the LGB and Trust; review this policy at least every 2 years for approval by the governing board.

## **11. Links with other policies**

- Behaviour Policy;
- SEND Policy and SEN Information Report;
- Safeguarding and Child Protection Policy;
- Attendance Policy;
- Alternative Provision Policy (if applicable).

### **Appendix 1: Independent review panel training (required content)**

- Primary legislation, regulations and DfE guidance on suspensions and permanent exclusions; judicial review principles and how they apply.
- Procedural fairness and natural justice; role of the chair and the clerk.
- Duties of headteachers, governing boards and panels under the Equality Act 2010.
- Section 6 Human Rights Act 1998 (public authorities to act compatibly with Convention rights).

### **Appendix 2: Documentation for pupil movement**

We use the following lawful routes to educate a pupil elsewhere where this best supports behaviour and engagement. These must never be used to 'off-roll'.

#### **A. Off-site directions (temporary)**

- Used to improve behaviour via time-limited placement at another school or AP; can include split placements.
- LA informed where a pupil has an EHCP; reasonable adjustments and safeguarding are planned.
- Parents/carers are informed, review meetings are held (typically every 4 weeks) and objectives are tracked.

#### **B. Managed moves (permanent)**

- Agreed by parents/carers, the receiving school and the admission authority; voluntary and in the pupil's best interests.
- Do not use 'trial admissions'; if an off-site direction demonstrates the placement is appropriate, parties may agree a permanent managed move.
- For EHCP pupils: the LA must be involved and the EHCP varied via the statutory process.

Standard forms for off-site directions and managed moves are available from the office/LA templates and must be fully completed, retained and shared in line with data protection law.