

Suspension policy

Ortus Education West Raynham School



WEST RAYNHAM SCHOOL
ORTUS EDUCATION LTD.

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Contents

1. Aims	2
2. Legislation and statutory guidance	3
3. Definitions	3
4. Roles and responsibilities	3
5. Considering the reinstatement of a pupil	7
6. Independent review	Error! Bookmark not defined.
7. School registers	8
8. Returning from a suspension.....	8
9. Remote access to meetings	9
10. Monitoring arrangements.....	9
11. Links with other policies.....	10
Appendix 1: independent review panel training.....	11

1. Aims

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

Our school aims to:

- › Ensure that the suspensions process is applied fairly and consistently
- › Help governors, staff, parents/carers and pupils understand the suspension process
- › Ensure that pupils in school are safe and happy
- › Prevent pupils from becoming NEET (not in education, employment or training)
- › Ensure all suspensions are carried out lawfully

A note on off-rolling

'Off-rolling' is a form of gaming and occurs where a school makes the decision, in the interests of the school and not the pupil, to:

- › Remove a pupil from the school roll without an emergency annual review and a notice period being served with the local authority
- › Encourage a parent/carer to remove their child from the school roll, or
- › Retain a pupil on the school roll but does not allow them to attend the school normally, without a formal plan in place as part of their EHCP provision

Accordingly, we will not suspend a pupil unlawfully by telling or forcing them to leave, or not allowing them to attend school without following the statutory procedure contained in the [School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#), or formally recording the event.

Any suspension will be made on disciplinary grounds, and will not be made:

- › Because a pupil has special educational needs and/or a disability (SEND) that the school feels unable to support, or
- › Due to a pupil's poor academic performance, or
- › Because the pupil hasn't met a specific condition, such as attending a reintegration meeting

If any pupil is suspended on the above grounds, this will also be considered as 'off-rolling'.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education (DfE): [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- 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 [School Inspection Handbook](#), which defines 'off-rolling'

This policy complies with our funding agreement and articles of association.

3. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Parent/carer – any person who has parental responsibility and any person who has care of the child.

4. Roles and responsibilities

4.1 The headteacher

Deciding whether to suspend

Only the headteacher, or acting headteacher, can suspend 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 suspension as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of the school serving notice on their placement

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to suspend 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 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 the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as:
 - For suspensions, detentions or other sanctions provided for in the behaviour policy
 - For serving notice, have other ways to meet the SEND needs been explored

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend, 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/carer or social worker.

The headteacher will not reach their decision until they have heard from the pupil and will inform the pupil of how their views were taken into account when making the decision.

Informing parents/carers

If a pupil is at risk of suspension, the headteacher will inform the parents/carers 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 a pupil, the parents/carers will be informed, in person or by telephone, of the period of the suspension and the reason(s) for it, without delay.

The parents/carers will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension
- The length of the suspension
- Information about the parents/carers' right to make representations about the suspension to the governing board and, where the pupil is attending alongside parents/carers, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents/carers have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents/carers have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents/carers without delay and by the end of the afternoon session on the first day their child is suspended, that:

- For the first 5 school days of a suspension (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents/carers 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/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, 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 in order 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, 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, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents/carers' consent.

If the headteacher cancels the suspension, they will notify the parents/carers without delay, and provide a reason for the cancellation.

Informing the governing board

The headteacher will, without delay, notify the governing board of:

- › Any suspension that is followed by a decision to serve notice on a placement
- › Any suspension that would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- › Any suspension that would result in the pupil missing a National Curriculum test or public exam
- › Any suspension that has been cancelled, including the reason for the cancellation

Informing the local authority (LA)

The headteacher will notify the LA of all suspensions without delay, regardless of the length of a suspension.

The notification will include:

- › The reason(s) for the suspension
- › The length of a suspension or if notice is served on a placement

For 'notice served', 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.

The headteacher must notify the LA without delay of any cancelled suspensions, including the reason the suspension was cancelled.

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 'notice served', the headteacher will inform **the social worker** as early as possible
- › **Pupil who is a looked-after child (LAC)** is at risk of suspension or 'notice served', 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 serve notice on a placement for 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 serve notice on the placement
- › The reason(s) for the decision

- › The length of the suspension or when the notice period ends if notice is served
- › The suspension affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- › They have decided to cancel a suspension, and why (where relevant)

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

Cancelling suspensions

The headteacher may cancel a suspension that has already begun, or one that has not yet begun, but only where it has not yet been reviewed by the governing board. Where there is a cancellation:

- › The parents/carers, governing board and LA will be notified without delay
- › Where relevant, any social worker and VSH will be notified without delay
- › The notification must provide the reason for the cancellation
- › The governing board's duty to hold a meeting and consider reinstatement ceases
- › Parents/carers will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay
- › The pupil will be allowed back in school without delay

Any days spent out of school as a result of any suspension, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

Providing education during the first 5 days of a suspension

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil. Online pathways 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.

4.2 The governing board

Considering suspensions

The governing board has a duty to consider parents/carers' representations about a suspension. It has a duty to consider the reinstatement of a suspended pupil (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the governing board will provide the secretary of state and the LA with information about any suspensions within the last 12 months.

Monitoring and analysing suspensions and exclusions data

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

The governing board 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 notice being served

- Any variations in the rolling average of notice served on placements, to understand why this is happening, and to make sure they are only used when necessary
- Timing of notice served, and whether there are any patterns, including any indications that may highlight where policies or support are not working
- The characteristics of suspended and 'notice served' pupils, and why this is taking place

4.3 The local authority (LA)

For pupils who are looked after 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 suspension.

5. Considering the reinstatement of a pupil

The governing board will consider and decide on the reinstatement of a suspended pupil within 15 school days of receiving the notice of the suspension if:

- It is a suspension that would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

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 board must consider any representations made by parents/carers. However, it is not required to arrange a meeting with parents/carers and it cannot direct the headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5, but not more than 15 school days, in a single term, and the parents/carers make representations to the board, the governing board will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents/carers do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the pupil.

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

- Parents/carers (and, where requested, a representative or friend)
- 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 representative of the local authority

Governing board meetings can be held remotely at the request of parents/carers. See section 9 for more details on remote access to meetings.

The governing board 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 board can 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 board will consider:

- Whether the decision to suspend was lawful, reasonable, and procedurally fair

- › Whether the headteacher followed their legal duties
- › The welfare and safeguarding of the pupil and their peers
- › Any evidence that was presented to the governing board

They will decide whether or not a fact is true 'on the balance of probabilities'.

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

- › The parents/carers
- › 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

7. School registers

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 suspended 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 notice has been served, the school will make the LA aware via the emergency annual review process. The school will not remove a pupil from roll until the LA have confirmed that they have received the notice letter.

8. Returning from a suspension

8.1 Reintegration strategy

Following suspension, or cancelled 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 for the pupil:

- › Maintaining regular contact during the suspension and welcoming the pupil back to school
- › Daily contact in school with a designated pastoral professional
- › Mentoring by a trusted adult
- › Regular reviews with the pupil and parents/carers to praise progress being made and raise and address any concerns at an early stage
- › Informing the pupil, parents/carers and staff of potential external support
- › Part-time timetables will not be used as a tool to manage behaviour and, if used, will be put in place for the minimum time necessary.

The strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents/carers, and other relevant parties.

8.2 Reintegration meetings

The school will clearly 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/carers, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents/carers in the event that they cannot or do not attend.

The school expects all returning pupils and their parents/carers to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

9. Remote access to meetings

Parents/carers can request that a governing board meeting, or independent review panel be held remotely. If the parents/carers don'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 and the LA 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 that will allow them to hear, speak, see and be seen
- All the participants will be able 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

10. Monitoring arrangements

The school will collect data on the following:

- Attendance and suspensions
- Anonymous surveys of staff, pupils, governors and other stakeholders on their perceptions and experiences

The data will be analysed every term by the head teacher.

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

The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

This policy will be reviewed by the head teacher every year. At every review, the policy will be approved by the governing board.

11. Links with other policies

This policy is linked to our:

- Behaviour policy
- SEN information report

Appendix 1: independent review panel training

The LA must make sure 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 on disciplinary grounds, 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