



Bassingbourn
Community Primary School

Bassingbourn Community Primary School

Suspensions and Exclusions Policy

This policy was ratified on: Spring 2024

Implemented on: Spring 2024

Review date: Spring 2025

Signed by the Headteacher:

Signed by the Chair of Governors

Statement of Intent

At Bassingbourn Primary School, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary strategies and sanctions, the school recognises that suspension and exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Suspending or excluding a pupil may also be required in instances where allowing the pupil to remain in school would be damaging to the education and welfare of themselves or others; in all cases, suspending or excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the Headteacher, Governing Body and LA when responding to pupil suspensions and exclusions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

Our school aims to ensure that:

- Where possible all children's needs are met, and suspensions or exclusions are not necessary
- The suspension and exclusion process is applied fairly and consistently
- The suspension and exclusion process is understood by governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Legislation and statutory guidance

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations
2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations
2012
- The European Convention on Human Rights (ECHR)

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Child Protection and Safeguarding Policy

Definitions

- A "suspension" is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period. For the purposes of suspensions and exclusions, a 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.
- An "exclusion" is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Positive Behaviour Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.
- Off-site direction – when a governing board 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.

Roles and responsibilities

The headteacher's responsibilities:

Deciding whether to suspend or exclude

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

A decision to suspend or 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 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 off-site direction or managed move. The headteacher will consider the views of the pupil, considering 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.

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

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, 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 an exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or exclusion to the governing board and how the pupil 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 have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

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 excluded, that:

- For the first 5 school days of an suspension (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 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 or 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 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 board

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

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

The headteacher will notify the governing board 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 exclusions without delay, regardless of the length of a suspension.

The notification will include:

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

For an 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
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform the Virtual School Head (VSH) as early as possible

This is 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 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 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 exclusion affects the pupils ability to sit a National Curriculum test or public exam (where relevant)

The social worker / Virtual School Head will be invited to any meeting of the governing board about the suspension or 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 exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are considered.

Cancelling suspensions and exclusions

The headteacher can cancel any suspension or exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated. Where an exclusion is cancelled:

- The headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;

- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- 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 exclusion

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 such as virtual learning resources / 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 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.

The Governing Body's responsibilities:

- Considering suspensions and exclusions
- Responsibilities regarding suspensions and exclusions are delegated to the Disciplinary Committee consisting of at least 3 governors.
- The Disciplinary Committee has a duty to consider parents' representations about a suspension or 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 governing board will provide the secretary of state and the LA with information about any suspensions or exclusions within the last 12 months.
- For any suspension of more than 5 school days, the governing board 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 board will challenge and evaluate the data on the school's use of suspension, exclusion, offsite direction to alternative provision and managed moves.
- **Governing Body reinstatement meetings and independent review panel (IRPs) can now be held via the use of remote access (for example, live video link) for suspension and exclusions if requested by the parents, provided certain criteria are satisfied. Meetings held via the use of remote access should not be a default option and face to face meetings should always be encouraged.**

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 exclusion.
- Any variations in the rolling average of exclusions, to understand why this is happening, and to make sure they are only used when necessary.
- Timing of moves and 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 LA's responsibilities:

- Having due regard to the relevant statutory guidance when carrying out its duties in relation to the education of LAC.
- Arranging suitable full-time education for any pupil of compulsory school age excluded permanently, in coordination with the school.
- Reviewing and reassessing pupils' needs in consultation with their parents where they have an EHC plan and are excluded permanently, with a view to identifying a new placement.

Considering the reinstatement of a pupil

The Disciplinary Committee will consider the reinstatement of a suspended or excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination 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 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 an exclusion would result in a pupil missing a public examination, the Disciplinary Committee will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing body (or the vice-chair where the chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Disciplinary Committee can either:

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

In reaching a decision, the disciplinary committee 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 pupil's educational record.

The Disciplinary Committee will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the disciplinary committee decision will also include the following:

- The fact that it is permanent
- Notice of parents' 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 pupil's SEN are considered to be relevant to the exclusion

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA 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 for this appointment
- That parents must make clear if they wish for an 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
- If parents believe that the 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

An independent review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the governing body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Exclusion Committee of its decision to not reinstate a pupil.

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 governors category and 2 members will come from the headteacher category.

- 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
- 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 of the LA, or governing body 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 LA or the governing body, 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 LA, school, governing body, 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 (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one 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 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.

School registers

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

- 15 school days have passed since the parents were notified of the exclusion panel'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, the governing body will wait until that review has concluded before removing a pupil's name from the register.

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.

Returning from a suspension

Following a suspension, a reintegration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour improvement plan
- Putting a pupil 'on report'
- Internal isolation/Inclusion
- Consideration of a Pastoral Support Plan or Early Help Assessment

Managed Move

A Managed Move will normally only be considered when all of the following are in evidence:

- The Head teacher is confident that the school has done all that it can to support the inclusion of the pupil and there are valid grounds for permanent exclusion. This should include exhaustion of all school strategies as outlined in the PSP and the Individual Education Plan (IEP) individual risk management plan and Access Plan Do review documents (with involvement from the Education Inclusion Officer or SEND Service 0-25), Personal Education Plan (if the child is looked after) and an EHA is in place. DfE guidance suggests that a PSP / individual plan must have been in place for some time (16 weeks example guide) unless a serious and unexpected breach of the school Discipline Policy occurs.
- The LA must agree with this position. This will be agreed by the Education Inclusion Officer /member of SEND Service 0-25. In this meeting evidence must be provided as previous interventions and assessments undertaken that have led to support in order to prevent permanent exclusion.
- The parent/carer of the pupil has agreed to a managed move. A parent can withdraw their support for a Managed Move at any point if they are unhappy. Should this happen the referring school must provide appropriate education.
- Professionals working with the pupil believe that a change in school may result in behaviour that results in fewer difficulties for the young person and/or improved attendance.
- There is a consensus that mainstream education is still appropriate.

Monitoring arrangements

The headteacher monitors the number of exclusions every term and reports back to the Governing Body. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

This policy will be reviewed by the governing body every year.

Appendix 1: Independent review panel training

The LA 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 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 bodies 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

Appendix 2: Details of Local Authority Office contacts:

For Primary pupils at risk of exclusions schools should contact SEND Services:

- Exclusion Hotline between 2-4pm 01353 612812
- Urgent enquiries - South Cambridgeshire & City 01223 728311

Appendix 3: Headteacher's Checklist

	YES	NO
Did the pupil's behaviour directly result in the incident?		
Was the behaviour significantly out of line with the school's behaviour policy?		
Does the pupil's presence seriously harm the education/welfare of pupils/others?		
Is this as a last resort following a wide range of other strategies that have been unsuccessful? Or Is this a serious first or 'one off' incident?		
Is exclusion the appropriate response? Factors to consider:		

<ul style="list-style-type: none"> • Exclusion has not been considered in the heat of the moment? • Has a thorough exploration of circumstances been carried out? • Has the situation been considered in light of policies and discrimination? • Has the pupil's perspective and account of events been encouraged/heard/recorded? • Are there any mitigating circumstances or any provocation relevant (bullying, harassment etc)? 		
<p>Has this pupil had multiple exclusions and if so have they proved an effective intervention?</p>		
<p>Has there been involvement from SEND Services?</p>		
<p>Has a Pastoral Support Plan been implemented?</p>		
<p>Have alternatives to exclusion been considered (e.g. restorative approach, mediation, internal exclusion, alternative provision, managed move)?</p>		
<p>Standards of proof: On the balance of probabilities, did the pupil do it?</p>		
<p>Special Considerations (SEN/Disability/Vulnerable Groups)</p>		
<p>Has the pupil been treated less favourably? Have reasonable adjustments been made for this pupil? Has your school reviewed policies, practices and procedures?</p>		
<p>Does this pupil have Special Educational Needs / Disabilities? Have issues of SEN or a disability been taken into account and reasonable adjustments put in place? (Equality Act 2010)</p>		
<p>Does this pupil have an EHCP? If so, have you contacted the SAT Casework Officer? Has an emergency annual review been called? See DfE Exclusion Guidance 2017 - page 11</p>		

<p>Is this pupil a (LAC) looked after child? If so, have you contacted the social worker and Virtual School to discuss?</p> <p>See DfE Exclusion Guidance 2017 - page 11</p>		
<p>Safeguarding:</p> <p>If this pupil is subject to a Safeguarding or a Child in Need Plan?</p> <p>Have you spoken to the Social Worker?</p>		
<p>Is there an Early Help Assessment (EHA) for this young person?</p> <p>Is the EH District Team or SEND Services involved?</p>		
<p>Where the family's first language is not English – Have you taken steps to ensure that the process is fully understood?</p>		
<p>Appropriate length of exclusion considered?</p> <p>Is this for the shortest possible time?</p>		

Appendix 4: One-off/Serious Incidents

Occasionally, a Headteacher will be faced with a possible incident that warrants a permanent exclusion of a pupil in response to a serious one-off offence. Such situations will mean that a Managed Move (if in place) ends immediately. These incidents may include:

- Serious violence against another pupil or a member of staff (i.e. behaviour which results in another pupil or member of staff being seriously hurt)
- Sexual abuse or assault (i.e. sexualised behaviours (verbal or physical) resulting in another pupil or member of staff being seriously threatened, intimidated or hurt)
- Supplying an illegal drug
- Carrying an offensive weapon with intent to harm