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THE CARDINAL VAUGHAN MEMORIAL SCHOOL

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SUSPENSION AND PERMANENT EXCLUSION POLICY

All policies are updated regularly in accordance with statutory guidance.

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SUSPENSION AND PERMANENT EXCLUSION POLICY

1. Aims

We are committed to maintaining the highest standards of behaviour within the school and following all statutory suspension and exclusions procedures to ensure that all pupils are taught in a safe and caring learning environment.

The aims of this policy are to:

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

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. 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

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'.
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 Local Governing Body 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.

4. Roles and responsibilities

4.1 The Head of School

Deciding whether to suspend or exclude

Only the Head of School, or acting Head of School, 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 Head of School will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to a serious breach 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 the pupil or others such as staff or pupils in the school
- Before deciding whether to suspend or exclude a pupil, the Head of School 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 moves

The Head of School 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.

The Head of School will not reach a 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 Head of School 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 Head of School 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 Local Governing Body and how the pupil may be involved in this process
- Information about the right to make a request to hold a suspension or exclusion review meeting using remote access and how and to whom to make a request
- How any representations should be made
- Where there is a legal requirement for the Local Governing Body to hold a meeting to consider the reinstatement of a pupil, the right of parents (or the pupil if they are 18 years old or more) to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Head of School 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 in order to identify the person they should report to on the first day

If the Head of School does not have the 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 Local Governing Body

The Head of School will, without delay, notify the Local Governing Body 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

The Head of School will notify the Local Governing Body once a 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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 Head of School 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)

The social worker / VSH will be invited to any meeting of the Local 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 Head of School may cancel a suspension or permanent exclusion that has already begun or one that has not yet begun, but this will only be done where it has not yet been reviewed by the Local Governing Body. 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. Where there is a cancellation:

- The parents, Local Governing Body and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay

- Parents will be offered the opportunity to meet with the Head of School to discuss the cancellation
- As referred to above, the Head of School will report to the Local 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

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 (AP) provision, the Head of School 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 Head of School 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 Local Governing Body

Considering suspensions and permanent exclusions

Responsibilities regarding suspensions and permanent exclusions are delegated to the Local Governing Body's Hearings Sub-Committee consisting of at least 3 local governors.

The Hearings Sub-Committee 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 (see sections 5 and 6) in certain circumstances.

Within 14 days of receiving a request, the Local 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 Local Governing Body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension. The Local Governing Body does not have to arrange such provision for pupils in their final year of compulsory education who do not have any further public exams to sit.

Monitoring and analysing suspensions and exclusions data

The Local 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 Local 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

4.3 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.

5. Considering the reinstatement of a pupil

The Hearings Sub-Committee of the Local 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 (including 15.5 days); 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 Hearings Sub-Committee must consider any representations made by parents (or pupils if aged 18 or more). However, it is not required to arrange a meeting and it cannot direct the Head of School 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 (or pupils if aged 18 or more) make representations to the board, the Hearings Sub-Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents (or pupils if aged 18 or more) do not make representations, the board is not required to meet and it cannot direct the Head of School to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Hearings Sub-Committee 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 Hearings Sub-Committee 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 Hearings Sub-Committee and allowed to make representations or share information:

- Parents, or the pupil if they are 18 or over (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 Head of School
- The pupil's social worker, if they have one
- The VSH, if the pupil is looked after

The Hearings Sub-Committee 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 Hearings Sub-Committee 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 Hearings Sub-Committee will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Head of School followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- Any evidence that was presented to the Local Governing Body

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 Hearings Sub-Committee 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 Head of School
- 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 Hearings Sub-Committee 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' (or pupils if aged 18 or more) 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 Body'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 academy trust to appoint an 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 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
- 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. Also that 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

6. Independent review

If parents apply for an independent review within the legal timeframe, the academy trust will arrange for an independent panel to review the decision of the Local 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 Hearings Sub-Committee 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 Head of School 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 Heads of School during this time
- Heads of School or individuals who have been a Head of School within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a director or local governor of the academy trust of the excluding school
- Are the Head of School of the excluding school, or have held this position in the last 5 years
- Are an employee of the academy trust
- Have, or at any time have had, any connection with the academy trust, school, Local 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

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 by the social worker of how any of the child's background, education and safeguarding needs were considered by the Head of School 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 one of the following:

- Uphold the Local Governing Body's decision
- Recommend that the Local Governing Body reconsiders reinstatement
- Quash the Local 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 Local 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 Local 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 Local 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 Local 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
- Where relevant, details of any financial readjustment or payment to be made if the Local Governing Body does not subsequently decide to offer to reinstate the pupil within 10 school days
- Any information that the panel has directed the Local Governing Body to place on the pupil's educational record

7. 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 Hearings Sub-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 Local 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 is met and no later than the removal of the pupil's name.

8. Returning from a suspension

8.1 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.

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, and other relevant parties.

8.2 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.

9. 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, local governors and other stakeholders on their perceptions and experiences

The data will be analysed at least annually by the Head of School and reported to the local governing body.

The data will be analysed from a variety of perspectives including:

- At school level
- By age group
- 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.

The Saint John Southworth Catholic Academy Trust will work with its academies to consider this date, and to analyse whether there are patterns across the Trust, recognizing that numbers in any single academy may be too low to allow for meaningful statistical analysis.
This policy will be reviewed by Local Governing Body annually.

10. Links with other policies

This policy is linked to our:

- Behaviour policy
- SEND Policy and information report