



‘Spurring each other on with love’

Suspension and Permanent Exclusion Policy

2026-2027

ANNUAL

POLICY HISTORY

Policy / Version Date	Summary of change	Governor adoption Date	Signed by the Chair	Next Review Date
1	Written using DfE guidance by JB	Spring 2015		Spring 2016
2	Reviewed using DfE guidance by JB	Spring 2016		Spring 2017
3	Reviewed by JB	Spring 2017		Spring 2018
4	Reviewed by JB	Spring 2018		Spring 2019
5	Reviewed by JB	2 nd May 2019		Spring 2020
6	Reviewed by JB			Spring 2021
7	Reviewed by JB	6 th May 2021		Spring 2022
8	Reviewed by THH and KC	2 nd March 2022		Spring 2023
9	Reviewed using the DfE 2022 guidance by THH	16 th March 2023		Spring 2024
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Bickleigh Down CE Primary School will follow the guidance given by the **DFE ‘Suspension and Permanent Exclusion from Maintained Schools, Academies and Pupil Referral Units in England, including pupil movement’ (DFE guidance, August 2024)**, when considering suspension or permanent exclusion or going through the exclusion process.

Aims

Our aim is to promote good behaviour within the school to provide a happy, secure, safe and purposeful environment.

We aim to:

- Support the children in learning the necessary skills of self-control, responsibility and co-operation.
- As adults, to provide a model of good manners, control, fairness and respect for others.
- To reduce and control any behaviour that interferes with the learning of children and the organisation of the school.

Everyone at Bickleigh Down School should show care, consideration and concern for each other, their community, their local environment and the wider world. The school’s Behaviour Policy outlines the procedures in place to support children’s behaviour, including behaviour that is challenging. A number of strategies are used to support children and encourage positive behaviour. The school endeavours to avoid the sanction of exclusion by following a number of support/de-escalation strategies, careful risk assessment (risk assessments may be dynamic* and not recorded in writing), working closely with parents and carers and, if necessary, following advice from external agencies.

Suspensions and permanent exclusions are extreme sanctions and are only administered by the Headteacher (or, in the absence of the Head, the Deputy Head who is acting in that role). The government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe, and supportive environment in which pupils can learn and thrive. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

Any decision to exclude a child is made in line with the principles of administrative law, i.e. that it is lawful (with respect to the legislation relating directly to exclusions and a school’s wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair and proportionate.

Informal or unofficial exclusions, such as sending a child home to “**cool off**” are unlawful, regardless of whether they occur in agreement with the parents or carers. Any exclusion of a pupil, even for short periods of time, is formally recorded and reported to Devon County Council.

Internal Exclusion

If a child is excluded from class but remains in school, it will be considered an **internal exclusion**. The child will be provided with work to complete in the office with either the Headteacher or Deputy Head. The child will be expected to work independently and in silence once they have the knowledge and understanding needed to complete their work. During break and lunch time, the child will remain with a member of the Senior Leadership Team. Reasonable adjustments will be made for SEN pupils to ensure that they have the necessary support required to complete their work. **A comprehensive record of all internal exclusions is maintained to ensure systematic monitoring of the pupils involved, the frequency and duration of each exclusion, and the year**

groups affected. This enables the school to identify patterns, ensure consistency of practice, and inform strategic decision-making.

***A dynamic risk assessment is a safety practice that allows staff to quickly identify and analyse risks and hazards as and when incidents happen to keep everyone safe.**

Reasons for and recording exclusions

The Headteacher will use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil.

The reasons below are examples of the types of circumstances that may warrant **an internal exclusion**, a suspension or permanent exclusion.

- Physical assault against a pupil.
- Physical assault against an adult.
- Verbal abuse or threatening behaviour against a pupil.
- Verbal abuse or threatening behaviour against an adult.
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy.
- Bullying – **verbal bullying**: name calling, insults, teasing, intimidation, homophobic or racist remarks, **social bullying**: lying and spreading rumours, negative facial or physical gestures, menacing or contemptuous looks, playing inappropriate jokes to embarrass and humiliate, mimicking unkindly, encouraging others to social exclude someone, damaging someone's social reputation or social acceptance; **cyber bullying**: abusive or hurtful texts, emails or posts, images or videos, deliberately excluding others online, nasty gossip or rumours, imitating others online or using their log-in; **or physical bullying**: hitting, kicking, tripping, pinching and pushing or damaging property.
- **Persistent use of inappropriate language.**
 - Inappropriate use of social media or online technology.
 - Racist abuse
 - Abuse against sexual orientation or gender identity or reassignment.
 - Abuse relating to disability.
 - Sexual misconduct
 - Supplying an illegal drug
 - Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy. Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him").
 - Arson
 - Behaviour which poses a significant risk to the child's own safety.

The school will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

The Headteacher's Powers to Use Exclusion

- The headteacher can suspend or permanently exclude a pupil on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded.
- A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of the headteacher, including suspension or permanent

exclusion, must be made in line with the principles of administrative law, i.e., that it is: lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

- When establishing the facts in relation to a suspension or permanent exclusion decision, the headteacher must apply the civil standard of proof, i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the headteacher will accept that something happened if it is more likely that it happened than that it did not happen. The headteacher will take account of their legal duty of care when sending a pupil home following an exclusion.
- The Headteacher will take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. The pupil will be informed about how their views have been factored into any decision made. Where relevant, the pupil will be given support to express their view, including through advocates such as parents or, if the pupil has one, a social worker.
- 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.
- A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, the headteacher will consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour. It is important that during a suspension, pupils still receive their education. Therefore, the Headteacher will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This can include utilising our online pathways such as Microsoft Teams, Purple Mash or class pages on the school website. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways, this will always be recorded as a suspension.
- A suspension can also be for **parts of the school day**. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.
- The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently will only be taken:

- In response to a serious breach or persistent breaches of the school's behaviour policy; and where 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.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) will also be considered.

Cancelling Exclusions

The headteacher can make the decision to cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board.

Where an exclusion is cancelled, then:

- Parents, the governing board, and the Local Authority (LA) should be notified without delay and, if relevant, the social worker and Virtual School Head (VSH);
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The school will report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

Setting a Clear Process for Exclusions

The Headteacher will consider the following, when setting a clear process for exclusions:

- Adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- Ensuring there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- Providing up-to-date links to sources of impartial advice for parents;
- Reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- Ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

Off-rolling and unlawful exclusions

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

- Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.
- Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.
- If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'.
- An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents.
- A further example of off-rolling would be exercising undue influence over a parent to remove their child from the school under the threat of a permanent exclusion and encouraging them to choose Elective Home Education or to find another school place.

Reintegration after a suspension or off-site direction

Bickleigh Down CofE Primary School will support any pupil to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction.

- The school will implement a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.
- The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school.
- During a reintegration meeting, the school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible, this meeting will include the pupil's parents. However, a pupil will not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting.
- To ensure ongoing progress, the strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.
- Where necessary, the will work with relevant staff and multi-agency organisations, such as teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/or health needs.
- If a part-time timetable is used, it will only be in place for the shortest time necessary. A part-time timetable will only be in place with the agreement of the parent. If the child has an EHCP, the 0-25 team will be consulted. Any pastoral support programme or other agreement will have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision.
- There will also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, the school has agreed to a pupil being absent from school for part of the week or day and therefore will treat absence as authorised.
- Bickleigh Down CofE Primary School will consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:
 - Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
 - Daily contact with a designated safeguarding lead in school;
 - Use of a report card or reward charts with personalised targets leading to personalised rewards;
 - Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
 - Planned pastoral interventions;
 - Mentoring by a trusted adult or a local mentoring charity;
 - Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
 - Informing the pupil, parents and staff of potential external support.

Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care plans (EHC plans)

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed.

Under the Children and Families Act 2014, governing boards must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN.

- Our school will engage proactively with parents in supporting the behaviour of pupils with additional needs.
- Where our school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan we will, in partnership with the SEND/Inclusion team at Devon County Council, consider what additional support or alternative placement may be required. This will involve assessing the suitability of provision for a pupil's SEN or disability.
- Where a pupil has an EHC plan, the school will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude.
- For those with SEN but without an EHC plan, we will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. The school will also request an EHCP assessment or a review of the pupil's current package of support.

Pupils who have a social worker, including looked-after children, and previously looked-after children

- For children with a social worker, education is an important protective factor, providing a safe space for children to access support, be visible to professionals and realise their potential. When children are not in school, they miss the protection and opportunities it can provide, and become more vulnerable to harm. However, the headteacher will balance this important reality with the need to ensure calm and safe environments for all pupils and staff, and so devise strategies that take both of these aspects into account.
- Where a pupil has a social worker, e.g., because they are the subject of a Child in Need Plan or a Child Protection Plan, and they are at risk of suspension or permanent exclusion, the headteacher will inform their social worker, the Designated Safeguarding Lead (DSL) and the pupil's parents to involve them all as early as possible in relevant conversations.
- Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, the Designated Teacher (DT) will contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, should consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, the school will also engage with a child's social worker, foster carers, or children's home workers. All looked-after children should have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This will be reviewed every term and any concerns about the pupil's behaviour will be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion.

Where previously looked-after children face the risk of being suspended or permanently excluded, the school will engage with the child's parents and the school's DT. The school may also seek the advice of the VSH on strategies to support the pupil.

The headteacher's duty to inform parties about an exclusion

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, we will ensure that parents are promptly informed when exclusions occur or there is a risk of them occurring.

- Whenever the headteacher decides to suspend or permanently exclude a pupil, the school will, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.
- The school will also, without delay, after their decision, provide parents with the following information in writing:
 - the reason(s) for the suspension or permanent exclusion;
 - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
 - parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this;
 - how any representations should be made; and
 - where there is a legal requirement for the governing board to consider the suspension or permanent exclusion, that parents or a pupil if they are 18 years old have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.

Written notification of the information above will be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

- Where a suspended or permanently excluded pupil is of compulsory school age, the headteacher will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
- These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.
- The headteacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.
- If alternative provision is being arranged, then the following information must be included with this notice where it can reasonably be found out within the timescale:
 - the start date for any provision of full-time education that has been arranged for the child during the suspension or permanent exclusion;
 - 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; and
 - any information required by the pupil to identify the person they should report to on the first day.

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session on the first day of the suspension or permanent exclusion, it may be provided in a subsequent notice, but it must be provided 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 information can be provided with less than 48 hours' notice with parents' consent.

If a child is suspended again following their original suspension, or is subsequently permanently excluded, the headteacher will inform parents and where relevant, the pupil's social worker or local authority if the pupil has an EHCP, without delay and issue a new exclusion notice to parents and the social worker.

Informing parents about an exclusion

The school will inform parents and carers about an exclusion in person or by telephone in the first instance as this would allow parents to ask any initial questions or raise concerns directly with the headteacher. The headteacher will consider the following:

- Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- Has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?

Parents and carers will also be issued with a formal suspension Letter, which clearly outlines the reason(s) for the suspension and the specific duration of the suspension. This communication will be provided in line with statutory guidance and school policy to ensure transparency, consistency and procedural fairness.

When notifying parents about a suspension or permanent exclusion, the headteacher will set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school.

For notifications, effective methods for providing the information may include email or text message, giving the notice directly to the parents, or sending the information home with the suspended or permanently excluded pupil.

Where information is sent home with the pupil, the headteacher will consider sending a duplicate copy by an alternative method or confirming that the information has been received.

When notifying parents about a suspension or permanent exclusion, the headteacher will draw attention to relevant sources of free and impartial information. This information should include:

- Every local area has a SENDIAS service who provide information, advice and support to children and young people with SEND, including on exclusions. Every exclusion letter should include details of the local service which can also be found here <https://councilfordisabledchildren.org.uk/about-us-0/networks/informationadvice-and-support-services-network>
- Coram's Child Law Advice service can be accessed through their website <https://childlawadvice.org.uk/information-pages/school-exclusion/> or contacted on 0300 330 5485 from Monday to Friday, 8am – 6pm.
- ACE education run a limited service and can be reached on 0300 0115 142 on Monday to Wednesday from 10am to 1pm during term time. Information can be found on the website: <http://www.ace-ed.org.uk/>.
- Independent Provider of Special Education Advice (known as IPSEA – www.ipsea.org.uk) is a registered charity. It offers free and independent information, advice and support to help get the right education for children and young people with all kinds of special educational needs (SEN) and disabilities.

Informing social workers and Virtual School Heads about an exclusion

Information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. The school will be proactive in sharing information as early as possible to

help identify, assess, and respond to risks or concerns about the safety and welfare of children. Whenever the headteacher suspends or permanently excludes a pupil they must, without delay, after their decision, also notify the social worker, if a pupil has one, and the VSH, if the pupil is a LAC37, of the period of the suspension or permanent exclusion and the reason(s) for it. The information must be provided in writing to the local authority.

Both the social worker and/or VSH, will be informed when a governing board meeting is taking place, in order to share information. The social worker and/or the VSH can attend the meeting, should they wish to do so.

Informing the governing board about an exclusion

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

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of **more than five school days** (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

When removing a pupil from the school roll, the governing board will ensure this is done under the circumstances prescribed by the Education (Pupil Registration) (England) Regulations 2006, as amended. If applicable, the pupil's name should be removed from the school roll at the appropriate time.

Informing the local authority about an exclusion

The local authority will be informed without delay of all school exclusions, regardless of the length of the exclusion.

For a permanent exclusion, if the pupil lives outside the local authority area in which the school is located, the headteacher will also notify the pupil's 'home authority' of the permanent exclusion and the reason(s) for it without delay.

The headteacher will also inform the governing board once per term of any other suspensions of which they have not previously been notified. Notifications must include the reason(s) for the suspension or permanent exclusion and the duration of any suspension or, in the case of a permanent exclusion the fact that it is permanent.

- The headteacher will ask the chair of the governing board whether there are clear processes in place for considering suspensions and permanent exclusions, such as:
 - Ensuring parents and pupils are aware of their right to consideration by the governing board.
 - Asking whether the governing board have taken steps to find a convenient date that the parent, other relevant parties, the local authority representative (if relevant) and the headteacher can attend, within the legal time limits.
 - Asking the governing board whether they have considered how to involve the pupil in the consideration process.
 - Collecting all relevant documents, anonymising them, if required, and providing them to all parties.
 - The headteacher should ensure that they have informed the governing board about reinstatement and specify the correct timescale. They should also make clear to the governing board whether the need to consider reinstatement is dependent on receiving parental representations.

The headteacher will ensure a process is in place for a governing board when considering reinstatement following a permanent exclusion:

- Do governors understand the suspension and permanent exclusion process to enable a review within deadlines?
- Would governors benefit from additional training, including on behaviour management, routines, norms and consequences, disability awareness, the Equality Act 2010, the Children and Families Act 2014 and SEN provision?
- Is there a clear and timely system in place to enable parents to make representations?
- Are there up-to-date templates for notifying parents of the decision and explaining the next steps

The governing board and local authority's duties to arrange education for excluded pupils

Governing boards and local authorities play an important role in ensuring that children who have been excluded from school receive a suitable education that facilitates their successful reintegration into education or meets their long-term needs.

The education of pupils from the sixth day of an exclusion

For a suspension of more than five school days, the governing board must arrange suitable full-time education for any pupil of compulsory school age. This provision is commonly **called alternative provision** and must begin no later than the sixth school day of the suspension. Where a child receives consecutive suspensions, these are regarded as a cumulative period of suspension for the purposes of this duty. This means that if a child has more than five consecutive school days of suspension, then education must be arranged for the sixth school day of suspension, regardless of whether this is because of one decision to suspend the pupil for the full period or multiple decisions to suspend the pupil for several periods in a row.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin from the sixth school day after the first day the permanent exclusion took place. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school will collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education.

In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

Where a looked-after child is excluded, the school will document the provision of immediate suitable education in the child's PEP.

The governing board should ensure that there are clear processes in place to comply with its legal duty to arrange suitable full-time educational provision for pupils of compulsory school age from the sixth consecutive school day of a suspension. This includes:

- Checking that there is a process in place for the governing board to assure itself that the education provided is suitable and full-time.
- Quality assuring provision and ensuring that any previous placements have been evaluated, including support for any SEND the pupil may have.
- Checking whether there is a process in place to monitor the pupil's attendance and behaviour at the provision.
- Checking whether the correct attendance code is being used.

- Checking whether the pupil's child protection file and any other information relevant to the pupil's safeguarding and welfare has been securely transferred to their new setting as early as possible, in line with Keeping children safe in education 2021 (publishing.service.gov.uk).

The governing board's duty to consider an exclusion

Governing boards have a key responsibility in considering whether excluded pupils should be reinstated. This forms part of their wider role to hold the headteacher to account for the lawful use of exclusion, in line with the duties set out in law, including equalities duties.

Guidance for governing boards on considering an excluded pupil's reinstatement.

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors (these requirements are illustrated by the diagram on page 16, A summary of the governing board's duties to review the headteacher's exclusion decision).

The governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub-committee consisting of at least three governors. The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- it would result in the pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for a governing board.

It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

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

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority;
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC.

The governing board will make reasonable endeavours 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.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Taking into account, the pupil's age and understanding, the pupil or their parents will also be made aware of their right to attend and participate in governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

Guidance for governing boards on using data on suspensions and permanent exclusions

The governing board will challenge and evaluate what the school's data is telling them about the school.

The board will carefully consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure the sanction is only used when necessary, as a last resort.

The governing board should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site. It is important to consider both the cost implications of directing children to be educated off-site in AP and whether there are any patterns to the reasons or timing of moves. For example, if high numbers of children with SEND are moving, the school, may wish to consider reviewing its SEN support.

Governing boards will consider:

- effectiveness and consistency in implementing the school's behaviour policy
- 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 ensure 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
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into AP are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it.

A summary of the governing board's duties to review the headteacher's exclusion decision

1. Is it a permanent exclusion?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the permanent exclusion.

If the answer is no, go to step 2.

2. Is it a suspension that alone, or in conjunction with previous suspensions, will take the pupil's total number of days out of school above 15 for a term?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension.

If the answer is no, go to step 3.

3. Is it a suspension or permanent exclusion that will result in the pupil missing a public exam or national curriculum test?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 15 school days of receiving notice of the suspension or permanent exclusion. The governing board must also take reasonable steps to meet before the date of the examination. If this is not practical, the chair of governors may consider pupil's reinstatement alone.

If the answer is no, go to step 4.

4. Will the suspension(s) take the pupil's total number of school days out of school above five but less than 16 for the term?

If the answer is yes, go to step 5.

If the answer is no, the governing board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil.

5. Have the pupil's parents requested a governing board meeting?

If the answer is yes, the governing board must convene a meeting to consider reinstatement within 50 school days of receiving notice of the suspension.

The governing board is not required to consider the suspension and does not have the power to decide to reinstate the pupil.

Further information and government guidance can be found at <https://www.gov.uk/government/publications/school-exclusion>