



SHIPTON BELLINGER PRIMARY SCHOOL

SUSPENSION AND EXCLUSION POLICY

AUTUMN 2025

Statement of Intent

At Shipton Bellinger Primary School, we understand that good behaviour and discipline is essential for promoting a high-quality education. Amongst other disciplinary sanctions, where warranted, the school recognises that exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour Policy. Permanent exclusion will however only be used as a last resort, in response to a serious breach or persistent breaches of the school's behaviour policy; and were allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Government supports head teachers in using exclusion as a sanction where it is warranted. The school has created this policy to clearly define the legal responsibilities of the Headteacher, Governing Body and the Local Authority when responding to pupil exclusions, in order to ensure that they are dealt with both reasonably, fairly, lawfully and in line with the latest DfE statutory guidance – **'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'** (Guidance for maintained schools – September 2022)

This policy also aims to secure a pupil's right to an education despite having been excluded, by ensuring that appropriate arrangements are in place.

Grounds for exclusion

1.1 The following examples of behaviour may underline the school's decision to exclude a pupil:

- Any incident which poses a risk to other pupils or members of staff, e.g. bringing a weapon onto the premises
- Any incidents which breach the law
- Persistent and severe bullying
- Verbal and physical abuse
- Constant disruption
- repeatedly disobeying their teachers' academic instructions could, be subject to exclusion.
- A single, serious and major incident, e.g. serious assault on another individual leading to injury
- In all cases, the Headteacher will decide which exclusion period a pupil will be subject to, depending on what the circumstances warrant.
- As a maintained school, the school has the power to direct a pupil off-site to improve their behaviour.

The head teacher's power to exclude:

2.1 Only the Headteacher has the power to suspend/ exclude a pupil from the school and is able to decide whether this is on a suspension (fixed-period) or permanent exclusion basis. All suspensions/ exclusions will only be issued on disciplinary grounds.

2.2 The Headteacher can suspend a child for one or more fixed periods and temporarily remove a pupil (up to a maximum of 45 school days in a single academic year), or permanently.

2.3 A suspension does not have to be for a continuous period. 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. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a governing body meeting is triggered.

2.4 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 fixed period.

2.5 The legal requirements relating to suspension and exclusion, such as the head teacher's duty to notify parents, LA and Virtual School Head (where applicable), apply in all cases.

2.6 The Headteacher can consider a pupil's behaviour outside of the school premises as grounds for suspension or exclusion.

2.7 Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to exclusions and the school's wider legal duties.

2.8 All exclusions will be formally recorded.

2.9 When excluding a pupil, the Headteacher will ensure that they always exercise their duty of care when sending a pupil home.

2.10 The Headteacher will apply the civil standard of proof when responding to the facts relating to an exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

2.11 The Headteacher may withdraw or rescind a suspension or permanent exclusion.

2.12 At all times, the Headteacher will consider their legal duties under the Equality Act 2010 and the special educational needs and disability code of practice: 0 to 25 years, ensuring that they do not discriminate on any grounds, e.g. race, sex, disability, and will not increase the severity of a pupil's exclusion on these grounds.

Factors to consider when excluding a pupil

When considering the exclusion of a pupil, the Headteacher will:

3.1 Allow the pupil the opportunity to present their case.

3.2 Consider any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, or they have been subjected to bullying.

3.3 Take into consideration whether the pupil has received multiple suspensions or is approaching the legal limit of 45 excluded days per school year, and whether exclusion is serving as an effective sanction.

3.4 Consider early intervention to address underlying causes of disruptive behaviour, including liaising with external agencies, to assess pupils who demonstrate consistently poor behaviour.

3.5 Where a school has concerns about the behaviour, risk of suspension and permanent exclusion of a pupils with SEN, a disability or and EHC plan it will in partnership with others(including where relevant the local authority) consider what additional support or alternative placement may be required, assessing the suitability of provision at Shipton Bellinger for a pupil's SEN or disability.

3.6 Where a pupil has an EHC plan, schools will contact the local authority about any behavioural concerns at an early stage and consider requesting an early review prior to making the decision to suspend or permanently exclude.

3.7 For those with SEN but without and EHC plan, the school will review, with external specialists, as appropriate, whether the current support arrangements are appropriate and what changes are required. This may provide a point for schools to request an EHC assessment or a review of the pupil's current support package. The Headteacher will work in conjunction with the parents of any pupil with additional needs, to establish the most effective support mechanisms.

3.8. Where previously looked-after children face the risk of being suspended or permanently excluded, the school will seek the advice of the VSH on strategies to support the pupil.

3.9 Where any member of staff has concerns about vulnerable pupil groups and their behaviour, they will report this to the Headteacher who will consider what extra support or alternative placement is required.

Duty to inform

4.1. Following the Headteacher's decision to suspend or exclude a pupil, they will without delay inform, in person or by telephone, the parents of the period of the suspension or about the permanent exclusion and the reasons for this.

4.2. The Headteacher will, provide the following information to parents in writing,

- the reason for, and the period of the suspension or the reasons for a permanent exclusion, and an explanation that a permanent exclusion is permanent
- their right to make representations about the suspension or permanent exclusion to the governing body (if the exclusion is permanent, the suspension 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 pupils missing a public examination or national curriculum test), including how the pupil will be involved in this and how representations should be made.

- where there is a legal requirement for the governing body to consider the suspension or permanent exclusion, that parents have a right to attend a meeting, to be represented at that meeting (at their own expense) and to bring a friend.
- notification that for the first five days of the suspension or exclusion (or until the start date of any alternative provision or the end of the suspension where this is earlier), parents are legally required to ensure that their child is not present in a public place during school hours without justification, and that parents may receive a penalty fine or be prosecuted if they fail to do so.
- the arrangements that have been made for the pupil to continue their education prior to the organisation of any alternative provision, or the pupil's return to school. Where it is not possible, or not appropriate, to arrange alternative provision during the first five school days of an exclusion, the school will take reasonable steps to set and mark work for the pupil. Online pathways such as Google Classroom or Oak Academy can be used but the school will ensure that work that is provided should be accessible and achievable by the pupil outside school.
- information about relevant sources of free, impartial information
- if alternative provision is being arranged, then the following information must be included: the start date of 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 times for morning and afternoon sessions where relevant, the address at which the provision will take place, any information required by the pupil to identify the person they should report to on the first day.

4.3. Where information on alternative provision is not reasonably ascertainable by the end of the afternoon session, 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

4.4. If the Headteacher has decided to exclude the pupil for a further fixed period following their original exclusion, or to permanently exclude them, they will notify the parents without delay and issue a new exclusion notice to parents.

4.5. Following the Headteacher's decision to suspend or exclude a pupil, they will without delay inform the local authority and also notify the social worker (if a pupil has one) and the Virtual School Head, (if the pupil is a Looked After Child), of the period of the suspension or about the permanent exclusion and the reasons for this.

4.6. If the pupil who is excluded lives outside the LA in which the school is located, the Headteacher will notify the pupil's 'home authority'.

4.7. The headteacher must notify the Governing body of any permanent exclusion, any suspension for a total of more than five school days (or more than ten lunchtimes) in a term; and of any suspension that would result in the pupil missing a public examination or national curriculum test.

Local Authority Duties

5.1. For permanent exclusions, the local authority must arrange full-time education from the sixth day of exclusion.

5.2. Where a pupil has an EHC plan, 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.

5.3 The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked after children.

The Governing Body's duty to consider an exclusion

6.1. The governing body 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 in Annex A at the end of this policy. A summary of the governing board's duties to review the head teacher's exclusion decision).

6.2. A sub-committee consisting of at least three governors will consider any exclusions when needed.

6.3. Any meeting to consider reinstatement of a pupil will be arranged at a date and time convenient for all parties, and in compliance with any statutory time limits.

6.4. The sub-committee will consider the reinstatement of a suspended or permanently excluded pupil, where:

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

6.5. In the case of suspensions, where the pupil's total number of excluded days is more than five but less than 16 school days within a term, if requested by the parents, the governing board will consider suspensions within 50 school days of receiving notification of the suspension, whether the suspended pupil should be reinstated. In the case of suspensions, where the pupil's total number of suspended school days does not amount to more than five and in the absence of any representations from parents, the governing body is not required to meet and cannot direct reinstatement.

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

6.7. If it is not practicable for enough governors to consider the reinstatement before the examination, the chair of governors will consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

6.8. When considering the reinstatement of an excluded pupil, the governing body will:

- Only discuss the suspension or permanent exclusion with the parties present at the meeting.
- Ask for any written evidence in advance of the meeting, including witness statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record.

- Where possible, circulate any written evidence and information, including a list of those who will be present, to all parties, at least five school days in advance of the meeting.
- Allow parents and the pupil to be accompanied by a friend or representative (where a pupil under 18 is to be invited as a witness, the governing body should first seek parental consent)
- Invite the pupil's social worker, if they have one, and if the pupil is LAC, the VSH to attend
- Comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting (for example where a parent has a disability with mobility or communication that has an impact upon their ability to attend the meeting or to make representations) and
- Identify the steps they will take to enable and encourage the suspended or permanently excluded pupil to attend the meeting and speak on their behalf, considering the pupil's age and understanding; or how the suspended or permanently excluded pupils may feed in their views by other means if attending the meeting is not possible.
- Consider the interests and circumstances of the suspended or permanently excluded pupil, including the grounds for exclusion.

Reaching a Decision

7.1. After considering the suspension or permanent exclusion, the governing body sub-committee will either:

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

7.2. If a reinstatement meeting would make no practical difference, e.g. if the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the sub-committee will still consider whether the pupil would have been officially allowed back into the school and whether the Headteacher's decision to exclude the pupil was fair, lawful and procedurally fair, based on the evidence presented.

7.3. The governing board will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

7.4. To reach a decision, the governing board will:

- Identify the steps they intend to take to ensure that all parties are supported to participate in its consideration and have their views heard.
- Ensure that clear minutes are taken of the meeting as a record of the evidence that was considered.
- Ask all parties to withdraw from the meeting before concluding their decision.
- In reaching the decision on whether a pupil should be reinstated, the governing body should consider whether the decision to suspend or permanently exclude a pupil was lawful, reasonable and procedurally fair. This should consider

the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence that was presented to the governing body in relation to the decision to exclude.

- Record the outcome of the decision on the pupil's educational records, along with copies, or relevant papers.

Notification of considered exclusions

8.1. The governing body will notify the parents of the excluded pupil, the Headteacher, the LA and where appropriate the social worker and Virtual School Head, of their decision, the reasoning for this, in sufficient detail, following the consideration of a suspension or permanent exclusion, in writing and without delay.

8.2. In the case of a permanent exclusion, where the governing board decides not to reinstate the pupil, they will include the following in the notification

- That it is permanent, and provide parents with notification of their right to ask for the decision to be reviewed by an IRP (an independent review panel).
- The date by which an application for review must be made. (i.e 15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- Where and to whom 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, this should include reference to how a pupil's SEND are considered relevant to the permanent exclusion.
- That, regardless of whether the permanently excluded pupil has been recognised as having SEND, the parents have a right to require the local authority to appoint a SEND expert to advise the review panel.
- Details of the role of the SEN expert and that parents may, at their own expense, appoint someone to make written and / or representations to the panel.

8.3. The governing board will also notify parents that, in addition to the right to apply for an IRP, if parents believe there has been unlawful discrimination in relation to the permanent exclusion then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (SEND), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination and that any claim should be within six months of when the discrimination allegedly took place. (e.g. the day on which the pupil was permanently excluded).

Removing permanently excluded pupils from the school register

9.1. The Headteacher will remove pupils from the school register if:

- 15 school days have passed since the parents were notified of the governing body's decision not to reinstate the pupil and no application for an independent panel review has been received or if
- The parents have stated in writing that they will not be applying for an independent panel review.

9.2. If an application for an independent panel review has been made within 15 school days, the school will wait until the review has been determined, or abandoned, and until the governing board has completed any reconsideration that the panel recommended or directed it to carry out, before removing the pupil from the school register.

9.3. If a pupil's name is to be removed from the register, the school will make a return to the LA, which will include:

- All the particulars which were entered in the register.
- The address of any parent with whom the pupil normally resides.
- The grounds upon which the pupil's name is to be removed from the register.

9.4. Any return to the LA will be made as soon as the grounds for removal are met and no later than the date in which the pupil's name was removed.

9.5. If a pupil's name has been removed from the register and a discrimination claim is made, the pupil may be reinstated following a decision made by the First-tier Tribunal (SEND) or County Court.

9.6. Whilst a pupil's name remains on the admissions register, the appropriate code will be used to mark the pupil's attendance:

- Code B: Education off-site
- Code D: Dual registration
- Code E: Absent and not attending alternative provision

Independent review panel

10.1. The Local Authority will arrange for an IRP hearing to review the governing body's decision not to reinstate a permanently excluded pupil, if the parents submit their application for this within the required time frame.

10.2. Parents are required to submit their applications within:

- 15 school days of the governing board's notification of their decision.
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

10.3. Any application made outside of this timeframe must be rejected by the local authority.

10.4. Parents can request an independent panel review even if they did not make representations to, or attend, the governing body's meeting to consider the exclusion.

10.5. The Local Authority will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement – September 2022

Appointing a SEND expert

11.1. If requested by parents in their application for an independent review panel, the Local Authority will appoint a SEN expert to attend the review and must cover the associated costs of this appointment.

11.2. The Local Authority must decide to indemnify the SEN expert against any legal costs and expenses reasonably incurred because of any decisions or actions connected to the review and which are taken in good faith.

11.3. Parents have a right to request the attendance of a SEN expert at a review, regardless of whether the school recognises that their child has SEND.

11.4. The SEN expert's role is set out in section 14 of this policy.

11.5. Individuals may not serve as a SEN expert if they have, or at any time have had, any connection with the Local Authority parents or pupil, or the incident leading to the permanent exclusion, which might reasonably be taken to raise doubts about their ability to act impartially; however, an individual is not assumed to have such a connection simply because they are an employee of the Local Authority.

11.6. The SEN expert should be a professional with first-hand experience in the assessment and support of SEN, as well as an understanding of the legal requirements on schools in relation to SEN. Examples of suitable individuals might include educational psychologists; specialist SEN teachers; special educational needs coordinators (SENCOs); and behaviour support teachers.

11.7. Recently retired individuals are not precluded from fulfilling this role; however, the Local Authority will, during interview, assess the knowledge of such individuals to ensure that they have a good understanding of current practice and the legal requirements on schools in relation to SEN and Disability.

11.8. Whilst individuals are not automatically taken to be partial simply because they are an employee of, or contracted by, the Local Authority, they will not have had any previous involvement in the assessment or support of SEN for the permanently excluded pupil, or siblings of the permanently excluded pupil. Additionally, they should also be able to demonstrate that they have experience working in schools.

11.9. The final decision on the appointment of an SEN expert is for the Local Authority to make, but it should take reasonable steps to ensure that parents have confidence in the impartiality and capability of the SEN expert. Where possible, this may include offering parents a choice of SEN experts. To meet its duties within the statutory time frame, the Local Authority will consider maintaining a list of individuals capable of performing the role of SEN expert in advance of a request.

11.10. The Local Authority will determine the amount of any payment in relation to the appointment of the SEN expert, such as financial loss, travel and subsistence allowances.

The role of a SEND expert

12.1. The SEN expert's role is analogous to an expert witness, providing (orally, in writing or both) impartial advice to the panel on how SEN might be relevant to the exclusion. The SEN expert should base their advice on the evidence provided to the panel. The SEN expert's role does not include assessing the pupil's special educational needs.

12.2. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies in relation to the excluded pupil, were lawful, reasonable and procedurally fair. If the SEN expert believes that this was not the case, they should, where possible, advise the panel on the possible contribution that this could have made to the circumstances of the pupil's permanent exclusion.

12.3. Where the school does not recognise that a pupil has SEN, the SEN expert should advise the panel on whether they believe the school acted in a legal, reasonable and procedurally fair way with respect to the identification of any SEND that the pupil may potentially have, and any contribution that this could have made to the circumstances of the pupil's permanent exclusion.

12.4. The SEND expert should not criticise a school's policies or actions simply because they believe a different approach should have been followed or because another school might have taken a different approach.

The role of social workers

13.1. The focus of social worker's advice should be on whether the pupil's welfare, safeguarding needs and risks were considered in the lead up to the permanent exclusion. If the social worker believes this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

The role of Virtual School Heads

14.1. The focus of the Virtual School Head's role for any LAC should be on helping the panel consider whether the child's background and educational needs were considered by the headteacher in the lead up to the permanent exclusion, including whether any additional support to the pupil could be provided to improve their behaviour and avoid exclusion where possible. If the VSH believes that this was not the case, they should, where possible, advise the panel on the contribution that the pupil's needs could have made to the circumstances of the pupil's permanent exclusion.

Appointing a clerk

15.1. The Local Authority will decide whether to appoint a clerk to the independent review panel, or to make alternative arrangements to administer the panel.

15.2. Where a clerk is appointed, the Local Authority will ensure that the clerk did not serve as clerk to the governing body when the decision was made not to reinstate the pupil.

The role of a clerk

16.1. The clerk's role is to provide advice to the panel and parties to the review on procedure, law and statutory guidance on suspensions and permanent exclusions.

16.2. The clerk will:

- Identify, in advance of the meeting, whether the pupil will be attending the panel hearing, taking reasonable steps to enable the pupil to feedback their views, irrespective of their attendance.
- Ensure that the panel can hear from any witnesses to the incident(s) leading to the exclusion, because some of these people may be pupils at the school (Pupils under 18-years-old will not be allowed to appear in person without parental consent).
- Inform the parents, Headteacher, governing board the LA, that they are entitled to make oral and written representations to the panel; attend the hearing; and be represented.
- Ensure that all parties are: - Provided with copies of relevant papers at least five school days before the review, notifying the panel if any requested documents have not been provided in case the panel wishes to adjourn until a later date. - Informed about who is attending the meeting, and what their roles are.
- Attend the review and ensure that minutes are produced in accordance with instructions from the independent review panel.

The duties of independent review panel members in the conduct of a review panel

17.1. The role of the IRP (independent review panel) is to assess whether a pupil's exclusion has been lawful, reasonable and procedurally fair and what further action might need to be taken.

17.2. Following the review, the panel will do one of the following:

- Uphold the governing body's decision not to reinstate
- Recommend that the governing board reconsiders reinstatement, or
- Quash the governing body's decision and direct that the governing body reconsiders reinstatement.

17.3. The panel's decision does not have to be unanimous and can be decided by majority vote. The IRP's decision is binding on the pupil, parents, the governing body, Headteacher and the LA.

Reconsidering reinstatement following a review

18.1. Where the independent review panel directs or recommends the governing body to reconsider whether a pupils should be reinstated, the governing body must reconvene to do so within ten school days of being given notice of the panel's decision.

18.2. The school is aware that if the governing body does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget, if the review panel ordered this.

18.3. If, following reconsideration, the governing board offers to reinstate the pupil, but the parents decline, no adjustment will be made to the school's budget.

18.4. Following reconsideration, the governing body will notify the parents, the Headteacher, LA and where applicable social worker and Virtual Head of School of their reconsidered decision and the reasons for this.

Criminal investigations

19.1. The Headteacher will not postpone taking a decision to exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

19.2. The Headteacher will give consideration when deciding to exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

19.3. If the governing body is required to consider the Headteacher's decision in these circumstances, they will not postpone the meeting and will decide based on the evidence available.

Training requirements

20.1. The Local Authority will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review.

20.2. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to 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 and the need to act in a manner compatible with human rights protected by that Act.

20.3. Clerks will also have an up-to-date understanding on developments in case law which are relevant to exclusion.

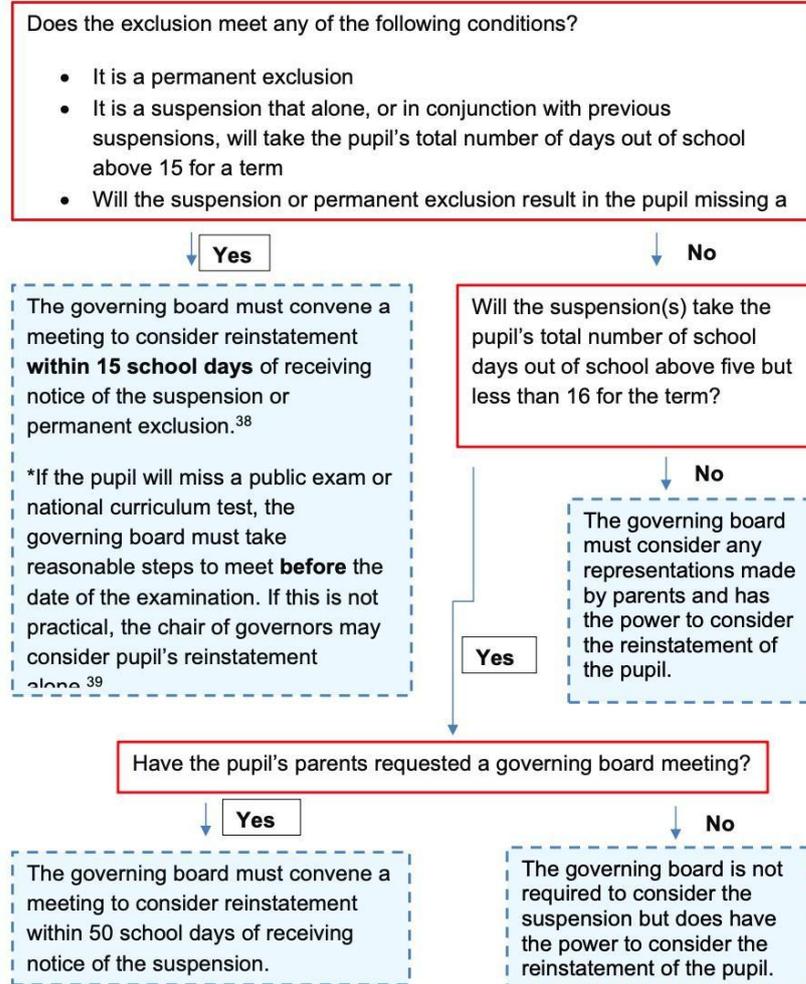
Monitoring and Evaluation

This policy will be reviewed in line with the Governing Body schedule for Policy Review.

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

Conditions of exclusion

Governing board duties



³⁸ The governing board may delegate its functions to consider a suspension or permanent exclusion to a designated committee.

³⁹ The ability for a chair to review in the case of public exams refers only to maintained schools.