



Marston Moreteyne VC School  
**Suspension & Exclusion Policy**  
January 2024





## Rationale

At Marston Moreteyne VC School, we understand that good behaviour and discipline is essential for promoting a high quality education and ensuring all members of our community feel safe.

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

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

A "**suspension**" is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 days in a single academic year. A suspension does not have to be for a continuous period.

An "**exclusion**" is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Positive Behaviour Policy, and where allowing the pupils to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

## 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 - from September 2023.

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

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

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which sets out parental responsibility for excluded pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Excluded Pupils) (England) (Amendment) Regulations 2014
- The Equality Act 2010
- Children and Families Act 2014
- The School Inspection Handbook, which defines 'off-rolling'

### Types of suspension/exclusion and informing Parents / Carers

A suspension or permanent exclusion is when a Headteacher decides that a child is not allowed to attend school. It may result from a series of incidents or from one very serious incident.

There are three types:

**lunchtime suspension** - used when a child's playground behaviour is considered unacceptable. Parents/carers have to take responsibility for their child during lunchtimes and return them to school at the start of the afternoon session

**Suspension** - for a specified number of days. Suspensions can be used for a maximum of 45 days in any school year

**Permanent exclusion** - used only in the most serious cases when allowing the child to remain in school would harm the education or welfare of the child or others in the school

If a child is suspended from school they may not:

- go onto the school premises at any time during the period of suspension, including breaks and lunchtimes and after school
- use school transport

### **Informing the parent/carer**

Parents will be informed as soon as possible, usually by phone, if their child is suspended.

The Headteacher must confirm by letter what sort of suspension it is, how long it is for, and the reasons for it. The letter informs parents that they have the right to make representations to the Discipline Committee of the school's Governing Body about the decision to suspend your child.

The Headteacher can suspend a child on the day an incident occurred.

Informal suspensions are illegal and should not be used. A Headteacher may, however, send a child home to remedy a breach in the school's rules on uniform or appearance.

For the first 5 days of any suspension or permanent exclusion, Marston Moreteyne VC School will take reasonable steps to set and mark work for the child. If the suspension is for more than 5 days, Marston Moreteyne VC School must provide full-time, off-site education from the sixth day of the suspension. If a permanent exclusion is issued, the local authority will provide suitable full-time provision from the sixth day.

### **Informing the governing board**

The Headteacher will, without delay, notify the governing board 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
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

### **Informing the local authority (LA)**

The Headteacher 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 Headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.
- The Headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

### **Informing a child's social worker or Virtual School Head (VSH)**

Informing the pupil's social worker and/or virtual school head (VSH), if a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or 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)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that 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 exclusions**

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

- The Headteacher must notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay. The notification must also provide the reason for the cancellation;
- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement;
- Parents (or the excluded pupil if they are 18 years or older) should be offered the opportunity to meet the Headteacher to discuss the circumstances that led to the exclusion being cancelled which should be arranged without delay;
- The pupil must be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year
- A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

### **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 (AP) 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 should 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

### **The governing board's duty to consider an exclusion**

Responsibilities regarding suspension and exclusion are delegated to a sub-committee consisting of at least three governors. 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 (appendix 1).

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;
- 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 excluded for more than five but not more than 15 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, in the case of a maintained school, 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 older;
- the Headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);
- the child's social worker if the pupil has one; and
- the Virtual School Headteacher (VSH) if the child is a Looked After Child (LAC)

The governing board must 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. 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 should 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.

### **Monitoring and analysing suspensions and exclusions data**

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

The governing board will consider:

- How effectively and consistently the school's behaviour policy is being implemented
- The school register and absence codes
- Instances where pupils receive repeat suspensions
- Interventions in place to support pupils at risk of suspension or 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

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### **The Independent Review Panel**

If parents apply for an independent review, Central Bedfordshire Council will arrange for an independent panel to review the decision of the governing board 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 Marston Moreteyne VC School's Governing Body of its decision to not reinstate a pupil.

The Independent Review Panel will review a governing board's decision not to reinstate a permanently excluded pupil.

It can:

- uphold the original decision of the governing body
- recommend that the governing body reconsiders its original decision
- quash the governing body's original decision and direct it to reconsider this decision. The governing body should then meet to reconsider its decision within 10 school days

It cannot order a Discipline Committee to reinstate an excluded pupil.

An Independent Review Panel is a panel made up of usually 3 members:

- a lay member who will chair the panel. They will not have worked in a school in any paid capacity
- a school governor who has served as a school governor for at least 12 consecutive months in the last 5 years, provided that they have not been a teacher or Headteacher during this time

- a Headteacher, or someone who has been a Headteacher within the last 5 years

An Independent Review Panel will be clerked by a solicitor who will ensure that it avoids bias or any appearance of bias.

The panel may only quash the governing body's decision if it considers that this decision was flawed. The governing body's decision would be considered to be flawed if it was judged in the light of the principles applicable on an application for judicial review to be:

- illegal
- irrational
- subject to procedural impropriety

Procedural impropriety means not simply a breach of minor points of procedure but something that has a significant impact on the decision-making process.

## **Returning from a suspension**

### **Reintegration strategy**

Following suspension, or cancelled suspension or exclusion, the school will put in place a strategy to help the pupil reintegrate successfully into school life and full-time education.

Where necessary, the school will work with third-party organisations to identify whether the pupil has any unmet special educational and/or health needs.

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

### **Reintegration meetings**

The school will clearly explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, 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.

**Links to other policies**

- Behaviour Policy
- Child on Child Abuse Policy
- Equal Opportunities Policy
- Safeguarding Policy
- SEND Policy

**Next Review - January 2027**

