



# **Havannah Primary School**

## **Suspension Policy**

**Summer 2023**

## Exclusions Policy Guidance

### Rationale

At Havannah Primary School, we believe that all staff and children are entitled to a safe and secure environment in which we 'Believe and Achieve'. We treat the safety, wellbeing and safeguarding of all our school community with paramount importance.

This policy guidance relates to the applications of Exclusions at Havannah Primary School. We are committed to providing a quality education for all children at Havannah Primary School and thus will only consider application of this policy where this is the only remaining and necessary option for the behaviours or circumstances being presented by a child.

This policy guidance is written in conjunction with the DfE Statutory Guidance "Exclusion from maintained schools, academies and pupil referral units in England June 2012, updated July 2017".

### Types of Exclusion

There are two distinct categories of exclusion which can be considered and applied, as defined below:

Fixed Term Exclusion: where a child is temporarily removed from school and for a specific period of time. As per regulation, this can be up to a maximum of 45 school days in one academic year (15 days per term), even if a child has changed schools.

In certain and exceptional cases, it may be determined appropriate for a fixed term exclusion to be extended or converted to a permanent exclusion - particularly if further evidence has been raised in relation to the original case.

If the fixed term exclusion period is longer than five consecutive school days in one occasion, the school is responsible for consulting with the Local Authority to arrange suitable full-time alternative education or provision from the sixth day onwards.

Permanent Exclusion: meaning a child is being removed from the school roll and will no return to Havannah Primary School. The Headteacher will not remove a pupil's name from the School's Admission Register until such time that the

outcome of any Independent Review Panel arrangements have been concluded - if this is the process pursued by parents.

### **Exclusion Procedure**

The decision to exclude a child from Havannah Primary School will be lawful, reasonable and fair. Every effort will be used to ensure early intervention and additional support being available to address any underlying causes of inappropriate behaviour, before escalation to exclusion is considered.

If a child is to be excluded, parents will be notified immediately by telephone and by follow up letter as soon as possible, without delay. The parent/carer can expect to be informed of;

- If the exclusion is fixed term or permanent
- If the exclusion is fixed term - the precise period of the exclusion
- The reasons for the exclusion
- The parent's right to make representations to the Governing Body and how pupils can be involved in this process
- Who to contact about making such representations
- The arrangements to be made by the school for the child to continue their education during the first five days of exclusion - which will be expected to be set and marked as normal by the school. (NB: It remains the parents' responsibility to ensure that work sent home to be completed during periods of exclusion is completed by the pupil and returned to the school)
- The school days (or date from) which the pupil will be provided with alternative suitable provision or education, if the period of the fixed term exclusion goes beyond 5 school days in one occasion

Exclusions can be enacted and authorised on the same day, but the school will work in partnership with parents to collect their child, as we recognise that it may not be practicable to collect immediately. During the first five days of exclusion (regardless of exclusion type) parents must ensure that the child is not present in a public place during school hours, unless there is reasonable justification.

For a fixed term exclusion of more than five consecutive school days, the Governing Body must be assured that arrangements for alternative education or

provision have been made. This provision must be in place and commence no later than the sixth consecutive day of exclusion.

For permanent exclusions, the Local Authority (in this case, Cheshire East Council) must arrange suitable full-time education for the child, to begin no later than the sixth consecutive day of exclusion, as per duties outlined in Section 19 of the Education Act 1996.

### **Appealing an exclusion decision**

Parents have the right to ask the Governing Body to consider their representations about an exclusion of their child. This will depend upon the nature and length of the exclusion. The Governing Body will consider the reinstatement of an excluded child within 15 school days of receiving the notice of exclusion if;

- the exclusion is permanent
- it is a fixed term exclusion which would bring the child's total number of school days of exclusion to more than 15 within one school term (or two consecutive half terms)
- the exclusion is to mean that the child will miss an external examination or national curriculum test

Where the exclusion means that a child will miss a national curriculum test, there is a further requirement for a Governing Body to consider exclusion before the date of the test. If this is not possible - the Chair of Governors may expedite the process and consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the Chair of Governors can review an exclusion decision alone. In such cases, parents still have the same rights to representation to the Governing Body and must still be made aware of this right.

If the exclusion is for five days or fewer, parents can request that the Governors hear their views but they can't overturn the Headteacher's decision.

When invited to meet the Governing Body, parents will be allowed to make representations along with the Headteacher. The Governing Body will:

- 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 Special Educational Needs)
- Ensure any written evidence and information has been submitted to the Clerk and circulated, including a list of all those who will be present, to all parties at least five school days in advance of the meeting
- Allow parents to be accompanied by a friend or representative of their choice, if they feel necessary and appropriate
- Identify steps to take which will encourage the impacted child to attend the meeting and where appropriate make their own representations in person or by other means if they are not attending.

The Governing Body will consider the interests and circumstances of the excluded child, along with the circumstances and rationale because of which the child was excluded. When making any decisions they will also have regard to the interests of other children and staff of the school. The Governing Body will consider the facts in relation to the exclusion and reach a decision on whether or not to reinstate the child, considering whether the decision to exclude is lawful, reasonable, proportionate, procedurally fair and compliant, taking into account the Headteacher's legal duties.

The Governing Body can then either decide to;

- Uphold the exclusion
- Direct reinstatement of the pupil with immediate effect or on a particular date.

The Governing Body must notify parents, Headteacher and the Local Authority of their decision and the reasons behind their decision, in writing, as soon as practicable following the panel meeting. The reasons for the decision should be in sufficient detail to enable all parties to understand why the conclusions have been arrived at.

In the case of a permanent exclusion, where Governors did not overturn the exclusion, the Governing Body must write to the parents and include the following information;

- The fact that the exclusion is permanent
- Notice of the parents right to ask for the decision to be reviewed by an Independent Review Panel (IRP) and the following;

- The date by which the application for a review must be made
- The name and address to whom the application for a review (and any written evidence) should be submitted
- That the application should set out the grounds on which it is made and that, where appropriate, this should include reference to how the pupils special educational needs are considered to be relevant to the exclusion
- That parents have a right to require the Local Authority to appoint and provide a Special Educational Needs expert to attend the review (where applicable)
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel and that parents may also bring a friend to the review
- That, in addition to the right to apply for an Independent Review Panel, if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First Tier Tribunal (Special Educational Needs and Disability) in the case of perceived disability discrimination

### **The Independent Review Panel**

If the Governing Body uphold a permanent exclusion, parents have the right to request that their decision is reviewed by an Independent Review Panel (IRP).

Parents must lodge their application for a review:

- Within 15 school days of notice being given to the parents by the Governing Body of their decision to uphold a permanent exclusion OR
- Where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

These are strict deadlines and any application made outside of this legal timeframe must be rejected by both the Governing Body and the Local Authority.

Parents may request an Independent Review Panel even if they did not make a case to, or attend, the meeting at which the Governing Body considered the exclusion. Parents must submit written representations and, if applicable, supporting evidence, when lodging their application.

The Local Authority will constitute a panel with either three or five members including:

- A lay member to chair the panel
- One (or two for a 5 member panel) school governors who have served as a governor for at least 12 consecutive months in the last five years, provided they have not been teachers or the Headteacher during this time and;
- One (or two for a 5 member panel) headteachers of an individual who has been a Headteacher within the last five years

A clerk will be present to provide advice to the panel and parties to all present at the review on procedure, legislation and statutory guidance on exclusions.

The clerk does not take part in the decision making process.

The role of the panel is to review the Governing Body's decision not to reinstate a permanently excluded child. In reviewing the decision, the panel must consider the interests and circumstances of the excluded child, including the circumstances in which the pupil was excluded, having due regard to the interests of other pupils and people working at the school. The panel can decide to;

- Uphold the exclusion decision
- Recommend that the Governing Body reconsiders their decisions
- Quash the decision and direct that the Governing Body considers the exclusion again

When considering the Governing Body's decision, the panel should apply the following tests which need to be satisfied to quash the decision;

- Illegality - did the Headteacher and/or Governing Body act outside the scope of their legal powers in taking the decision to exclude?
- Irrationality - was the decision of the Governing Body not to reinstate the pupil so unreasonable that it was not one a responsible person could have made?
- Procedural impropriety - was the process of exclusion and the Governing Body's consideration so unfair or flawed that justice was denied?

If any of these criteria are met, then the panel can quash the decision of the Governing Body and direct that they consider the exclusion again. Where the criteria for quashing a decision has not been met, the panel should consider

whether it would be appropriate to recommend that the Governing Body reconsiders their decision not to reinstate the pupil. This should be used where evidence or procedural flaws have been identified that do not meet the criteria for quashing the decision, but which the panel believe justify a reconsideration of the Governing Body's decision.

In all other cases, the panel should uphold the exclusion.

- There is no further right of appeal against the decision of an Independent Review Panel, however there are two ways that the decision may be challenged

If you feel that the review panel process was unfairly run, you may be able to take this further by complaining about maladministration by the IRP. A successful complaint may result in a recommendation that a new IRP should be arranged, but the decision to uphold the exclusion cannot be overturned. The complaint should be made in writing to the Local Authority - namely Cheshire East Council, via email to [ExclusionsCE@cheshireeast.gov.uk](mailto:ExclusionsCE@cheshireeast.gov.uk). This team can also be contacted via telephone on 01270 686410.

### **The responsibilities of the Headteacher (or Deputy Headteacher in her absence)**

It is the responsibility of the Headteacher to;

- Ensure the policy is implemented consistently and fairly
- Make the decision to exclude having checked all evidence
- Communicate promptly with parents, informing them of the decision to exclude, immediately by telephone and within 24 hours in writing
- Send details of the exclusion to the Chair of Governors and appropriate Local Authority representative
- Delegate responsibility for sending work home/marking of work
- Monitor the implementation of the policy and regularly report to Governors

### **The responsibilities of the Class Teacher**

It is the responsibility of the Class Teacher to;

- Keep appropriate records of incidents that may lead to the decision to exclude



- Send work home for the duration of the exclusion and mark any work returned
- Use the time of the exclusion to review provision e.g. seating arrangements, differentiation and behaviour support
- Ensure the child returning from an exclusion is given every opportunity for a fresh start

### **The responsibilities of the Governing Body**

The Governing Body is responsible for;

- Developing and reviewing the policy, in light of monitoring and statutory guidance updates
- Arrange and undertake Exclusions/Exclusions Appeals Panels as required in line with policy
- Attend and contribute towards Independent Review Panels, as required in line with policy
- Ensure that a suitable amount of members are trained in School Exclusions

### **Equality**

All children will be treated equally and fairly throughout the implementation of this policy. The Headteacher will monitor incident logs and ensure that any apparent inequality of incidents is entirely attributed and evidenced to the behaviours of those children.

### **Training**

Whole staff and individual training needs will be identified through the annual Performance Management cycle. A suitable number of Governors will also have up to date training on their role in administrating school exclusions.

### **Monitoring**

The impact of this policy will be reviewed regularly through careful monitoring of incidents. Any exclusions will be reported termly to the Full Governing Body through the Headteacher's Report.

## **Links to Other Policies**

This policy should be considered in conjunction with;

- Behaviour Policy
- Safeguarding and Child Protection Policy
- Anti-Bullying Policy
- Positive Handling Policy

## **Review**

The governors will review this policy annually. The governors may, however, review the policy earlier than this, if the government introduces new regulations, or if the governing body receives recommendations on how the policy might be improved.

