



KING EDWARD VI
HIGH SCHOOL

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KING EDWARD VI HIGH SCHOOL

EXCLUSIONS AND SUSPENSIONS POLICY

**Encouraging and supporting all our learners to
"Be the best that they can be"**

Headteacher

Mr J Christey

Governor

Mr C Soutar

Review Date

Annually





Aims

King Edward VI High School aims to ensure that:

- The exclusions process is applied fairly and consistently
- The exclusions process is understood by Governors, staff, parents and pupils
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

Legislation and Statutory Guidance

This policy is based on statutory guidance from the Department for Education: [Exclusion from maintained schools, academies and pupil referral units \(PRUs\) in England](#).

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil exclusions and Reviews\) \(England\) Regulations 2012](#)
- Sections 64-68 of the [School Standards and Framework Act 1998](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which looks at 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 Decision to Exclude

Only the Headteacher, or a person acting with the Headteacher's authority, can exclude a pupil from school. Permanent exclusions will be taken as a last resort.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Definition

For the purposes of exclusions, school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day.

Roles and Responsibilities

The Headteacher

Informing parents

The Headteacher will immediately provide the following information, in writing, to the parents of an excluded pupil:

- The reason(s) for the exclusion
- The length of a fixed-term exclusion or, for a permanent exclusion, the fact that it is permanent



- Information about parents' right to make representations about the exclusion to the Governing Body and how the pupil may be involved in this
- Where there is a legal requirement for the governing body to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, or until the start date of any alternative provision where this is earlier, parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

If alternative provision is being arranged, the following information will be included when notifying parents of an exclusion:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information 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, it may be provided in a subsequent notice, but it will be provided 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.



Informing the Governing Body and Local Authority

The Headteacher will immediately notify the Governing Body and the Local Authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is made permanent
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Exclusions which would result in the pupil missing a public examination

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the Headteacher will also immediately inform the pupil's 'home authority' of the exclusion and the reason(s) for it without delay.

For all other exclusions, the Headteacher will notify the Governing Body and LA once a term.

The Governing Body

The Appeal Committee has a duty to consider the reinstatement of an excluded pupil (see [Considering the reinstatement of a pupil](#)).

The Governing Body has a duty to consider the reinstatement of an excluded pupil (see [Considering the reinstatement of a pupil](#))

When the Governing Body is considering the reinstatement of a pupil, the clerk should be present to make a record of the discussion, which should state clearly how decisions have been reached.

Within 14 days of receipt of a request, the Governing Body will provide the Secretary of State and LA with information about any exclusions in the last 12 months.

For a fixed-period exclusion of more than 5 school days, the Governing Body will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.



Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

According to new guidance, when pupils have been excluded for any more than 15 days, including 15.5 days, in a term, the Governing Body must consider reinstatement within 15 days (footnote 58, page 36 – 2022 Guidance).

The Local Authority (LA)

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

Considering the Reinstatement of a Pupil

The Governing Body will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a fixed-term exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the Governing Body will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Governing Body will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing Body (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.



The Governing Body can either:

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

In reaching a decision, the Governing Body will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The Governing Body will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the Governing Body's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint a SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents for this appointment



- That parents must make clear if they wish for an SEN expert to be appointed in any application for a review
- That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

That if parents believe that the exclusion has occurred as a result of discrimination, they may make a claim under the Equality Act 2010 to the first-tier tribunal (special educational needs and disability), in the case of disability discrimination, or the county court, in the case of other forms of discrimination. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

The Headteacher can Cancel Exclusions that have not started.

(This is provided that the Governing Body has not yet met to consider whether the pupil should be reinstated.)

In this situation, the Headteacher will notify those involved of a cancelled suspension/exclusion

When an exclusion is cancelled, the Headteacher, will notify those concerned without delay:

- Parents/carers; **or** the pupil (if they're 18 or older)
- The Governing Body
- The Academy MAT
- The Local Authority (LA)
- The pupil's social worker (where relevant)
- The VSH (where relevant)

The Headteacher will provide all parties with the **reason** for cancellation. He will offer parents/carers the opportunity to meet without delay to discuss the circumstances that led to the cancellation.

In terms of attendance, any days out of school will count as a suspension. Please note that any days out of school, before the cancelled suspension/exclusion, will count towards the maximum of 45 school days that a pupil can be suspended in any school year.



A permanent exclusion cannot be cancelled if a pupil has already been suspended for more than 45 days in a school year.

Pupils will then be reintegrated without delay. They will be offered support to pupils whose suspensions/exclusion has been cancelled, in line with the support outlined for a return from a school suspension.

In the case of a cancelled suspension/exclusion, the Governing Body's duty to consider reinstatement stops, so it doesn't need to meet.

An Independent Review

If parents apply for an independent review, the LA will arrange for an independent panel to review the decision of the Governing Body not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the Governing Body of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school Governor category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school Governor or volunteer
- School Governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or Headteacher's during this time
- Headteacher's or individuals who have been a Headteacher within the last 5 years

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

- Are a member of the LA, or Governing Body of the excluding school
- Are the Headteacher of the excluding school, or have held this position in the last 5 years



- Are an employee of the LA, or the Governing Body, of the excluding school (unless they are employed as a Headteacher at another school)
- Have, or at any time have had, any connection with the LA, school, Governing Body, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
- Have not had the required training within the last 2 years (see appendix 1 for what training must cover)

A clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the Governing Body's decision
- Recommend that the Governing Body reconsiders reinstatement
- Quash the Governing Body's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

Remote access to Governing Body Meetings and Independent Review Panels (IRPs)

Parents/carers can request the meeting be held remotely

Where we refer to parents/carers in this article, this is the case if the pupil is under 18; where the pupil is 18 or over, replace any mention of 'parents/carers' in this article with 'the pupil'.

We encourage holding meetings in person where possible. However, parents/carers can request that a meeting be held via the use of remote access (carried out by electronic means, e.g. live video link).

The Headteacher, must inform parents/carers of their right to make a request for a remote meeting when notifying them of the exclusion.



Meetings can also be remote in unforeseen or extraordinary circumstances. For example, school closure due to:

- Floods
- Fire
- Infectious illness / disease

Please note that where these extraordinary circumstances do not apply and parent/carers do not request a remote meeting, the meeting must be held in person.

Conditions for Remote Meetings

Governing boards and arranging authorities will:

- Confirm that all the participants have access to the technology which will allow them to:
 - Hear
 - Speak
 - See
 - Be seen
- Make sure all the participants will be able participate fully
- Make sure that the remote meeting can be held fairly and transparently

If the Governing Body or arranging authority are not satisfied that a remote meeting can be held fairly and transparently, then they will consult with parents/carers to decide how a face-to-face meeting can be arranged.

If technical issues occur

Where we can't resolve technical difficulties that prevent participants holding the meeting fairly or transparently, we will arrange a face-to-face meeting without delay.



Social workers and virtual school heads (VSHs)

Even when the meeting is being held in person, as long as they can contribute effectively, social workers and virtual school heads can attend remotely.

School registers

A pupil's name will be removed from the school admissions register if:

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

Where an application for an independent review has been made, the Governing Body will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Returning from a Fixed-term Suspension

Following a fixed-term exclusion, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

To support the pupil measures may be implemented when a pupil returns from a fixed-term exclusion these measures could include:

- A 'Pupil Support Plan'
- Regular parental meetings with the pupils Progress Leader
- Putting a pupil 'on report'



- Internal isolation

Monitoring Arrangements

The Leader of Behaviour and Inclusion monitors the number of exclusions every term and reports back to the Headteacher. They also liaise with the local authority to ensure suitable full-time education for excluded pupils.

Links with Other Policies

This Exclusions and Suspension policy is linked to our

- Behaviour policy
- SEN policy and information report





Appendix 1: Independent Review Panel Training

The LA must ensure that all members of an independent review panel and clerks have received training within the 2 years prior to the date of the review.

Training must have covered:

- The requirements of the primary legislation, regulations and statutory guidance governing exclusions, which would include an understanding of how the principles applicable in an application for judicial review relate to the panel's decision making
- The need for the panel to observe procedural fairness and the rules of natural justice
- The role of the Chair and the Clerk of a review panel
- The duties of Headteacher's, Governing Body's and the panel under the Equality Act 2010
- The effect of section 6 of the Human Rights Act 1998 (acts of public authorities unlawful if not compatible with certain human rights) and the need to act in a manner compatible with human rights protected by that Act