Suspension and Permanent Exclusions Policy

The staff responsible for the Exclusions Policy are

The Senior Management Team

The governor responsible for the Exclusions Policy is

the Governor with Responsibility for Attendance

Agreed by governors: 17th April 2026

Review Date: April 2027

RATIONALE

At Roydon Primary School, we believe staff and children are entitled to a safe and secure environment in which to learn and succeed, and that the safety and well-being of all the members of the school community is paramount.

This policy relates to the policy and practice regarding the use of exclusions. A child will be excluded from our school only as a last resort as a result of violence, unacceptable breaches of the behaviour policy, or criminal acts.

AIMS AND EXPECTATIONS

- To ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed.
- To reduce the need to use exclusion as a sanction by positively encouraging and recognising acts of respect and consideration to others.

The decision to exclude a pupil may be taken in the following circumstances:

- in response to a serious breach of the school's Behaviour Policy;
- if allowing the pupil to remain in school may harm the education or welfare of other persons or the pupil themselves in the school.

Exclusion is an extreme sanction and only the headteacher (or assistant headteacher in the headteacher's absence) has the power to exclude a child from Roydon Primary School.

Exclusions, whether for a fixed term or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct, and are breaches of the school's Behaviour Policy:

- Refusal to carry out reasonable instructions issued by a member of the school staff
- Verbal abuse directed at staff, professionals working within school or other pupils
- Physical abuse/assault of staff, professionals working within school or other pupils
- Actual or threatened violence against staff, professionals working within school or other pupils
- Inappropriate behaviour of a sexual nature
- Theft
- Possession or misuse of drugs or other illegal/dangerous substances

- Racial abuse
- Vandalism of the school site
- Unacceptable behaviour that has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This list is not exhaustive and there may be other circumstances that could arise when the headteacher makes the judgement it would be appropriate to exclude a child.

TYPES OF EXCLUSIONS

There are two types of exclusion:

Fixed Period Exclusion

A fixed period exclusion is where a child is temporarily removed from school and for a specific period of time. The DfE regulations outline that this can be for up to 45 school days in one school year, even if a child has changed schools.

The law does not allow for extending a fixed-period exclusion or 'converting' a fixed-period exclusion into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further fixed-period exclusion 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.

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. An exclusion that takes place over a lunchtime would be counted as half a school day.

If the fixed period exclusion is longer than 5 school days, the school must arrange suitable full-time education from the sixth day, e.g. a pupil referral unit.

Permanent Exclusion

A permanent exclusion means that a child is removed from the school roll. However, the head teacher must not remove a pupil's name from the school admissions register until the outcome of the Independent Review Panel (if this route is followed by parents).

EXCLUSION PROCEDURE

At Roydon Primary School, the decision to exclude a child will be lawful, reasonable and fair. Every effort will be made to ensure early intervention is used to address the underlying causes of any inappropriate behaviour before an exclusion is considered.

If a child is to be excluded, parents will be notified immediately by telephone and by letter as soon as possible. The parent/carer will be informed:

- whether the exclusion is permanent OR fixed term;
- the precise period of the exclusion if fixed term;
- the reasons for the exclusion;
- the parent's right to make representations to the governing body, and how the pupil can be involved in this;
- who to contact about making such representations;
- the arrangements made by the school for the pupil to continue their education during the first five days of the exclusion, including setting and marking of work. (It is the parent's responsibility to ensure that work sent home is completed by the pupil and returned to school);
- the school days (or school day from) which the pupil will be provided with alternative suitable education.

Exclusions can start on the same day, but school will work in partnership with parents to collect their child as we appreciate that this may not be able to happen immediately.

The headteacher will also contact the social worker and Virtual School Head, if relevant.

During the first five days of a period of exclusion (whether fixed term or permanent, the parents must ensure that the child is not present in a public place during school hours, unless there is reasonable justification).

For a fixed period exclusion of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age (for example; home tutoring, a pupil referral unit or online studies). This provision must begin no later than the sixth day of the exclusion. This duty is set out in section 100 of the Education and Inspections Act 2006.

For permanent exclusions, the Local Authority must arrange suitable full-time education for the pupil, again of compulsory school age, to begin no later than the

sixth day of the exclusion. This duty is set out in section 19 of the Education Act 1996.

CHALLENGING AN EXCLUSION

Parents have the right to ask the Governing Body to consider their representations about an exclusion. This will depend on the length and nature 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 period exclusion that would bring the pupil's total number of school days of exclusion to more than 15 in a term;
- the exclusion mean's the child will miss a public exam 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 examination or test. If this is not possible, the chair of governors may consider the exclusion independently and decide whether or not to reinstate the pupil. These are the only circumstances in which the chair can review an exclusion decision alone. In such cases, parents still have the right to make representations to the governing body and must be made aware of this right.

If the exclusion is for 5 days or fewer, parents can request that the governors hear their views, but they cannot 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 circulated, including a list of those who will be present, to all parties at least five days in advance of the meeting;
- allow parents to be accompanied by a friend or representative;
- identify steps they will take to encourage the excluded pupil to attend the meeting, where appropriate, to talk on their own behalf, 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 in which the child was excluded. When making any decisions, they will also have regard to the interest of the other pupils and staff working at the school. The governing body will look at the facts in relation to the exclusions and reach a decision on whether or not to reinstate the pupil, considering whether the decision to exclude was lawful, reasonable, proportionate and procedurally fair, taking into account a headteacher's legal duties.

The Governing Body can then either:

- uphold an exclusion, or
- direct reinstatement of the pupil immediately or on a particular date.

The governing body must notify the parents, headteacher and the local authority of their decision, and the reasons for their decision, in writing without delay. The reasons for the decision should be in sufficient detail to enable all parties to understand why the decision was made.

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 and
    - 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 pupil's special educational needs are considered to be relevant to the exclusion;
    - that parents have a right to require the school to appoint a Special Educational Needs expert to attend the review;
    - 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 disability discrimination.

THE INDEPENDENT REVIEW PANEL

If the governing body upholds 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 the legal time frame must be rejected by the school.

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 school must constitute the panel with either three or five members:

- a lay member to chair the panel,
- one (or two for a 5-member panel) school governor who has/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) headteacher(s) or individual who has been a headteacher within the last five years.

A clerk will also be present to provide advice to the panel and parties to 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 pupil. In reviewing the decision, the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have 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 decision;
- 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 that 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 have not been met, the panel should consider whether it would be appropriate to recommend that a 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.

THE RESPONSIBILITIES OF THE HEADTEACHER

- 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 by letter.
- Send details of the exclusion to the chair of governors and the LA.
- 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

- 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 GOVERNORS

- Review the policy in the light of monitoring.
- Attend Exclusion hearings as required.

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 to the behaviours of those children.

TRAINING

Staff training needs will be identified through Roydon Primary School's self-evaluation process and staff appraisal.

MONITORING

The impact of the policy will be reviewed regularly through careful monitoring of incidents. Termly reports will be made to Governors.

LINKS TO OTHER POLICIES

- Safeguarding Policy
- Behaviour Policy
- Policy for Looked-After and Previously Looked-After Children

REVIEW

The governors 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.