St Peter's Brafferton
C of E (VA) Primary School

Let your light shine!

At St Peter's Brafferton, we are a nurturing community where every person can **flourish.** We aspire to be the best in all we do, promoting **lifelong learners** who are curious, compassionate, and courageous. We **value** every person and every opportunity to **'let our light shine'**.

"Let your light shine before others, that they may see your good deeds and glorify your Father in heaven."
— Matthew 5:16

Suspensions and Exclusions Policy

Introduction

St Peter's Brafferton CE VA Primary School is a highly inclusive school, with well trained and experienced staff who are used to supporting a wide range of pupil need and challenge. As an inclusive school, we believe exclusion should be treated only as a 'last resort' and prioritise working alongside the pupil and parents, nurture, identifying triggers for misbehaviour, re-deploying staff, creating bespoke pupil strategies and support to try and pre-empt or de-escalate any potential issues. However, we understand that, from time to time, exclusion must be considered, as outlined in the following policy.

Aims

- To give appropriate support to the Headteacher in exclusion issues
- To ensure that exclusion is used appropriately within the framework of the school's behaviour policy.
- To discharge appropriately its statutory duties concerning the consideration of reinstatement of excluded pupils

Legislative Background

This policy also works alongside DfE Statutory Guidance:

Suspension and permanent exclusion guidance

Types of Suspension/Exclusion

- Fixed-Term Suspensions (FTS) will be for a fixed number of school days. An individual fixed period suspension should be for the shortest time necessary, bearing in mind that suspensions of more than a day or two make it more difficult for the pupil to reintegrate back into the school afterwards. They must not exceed 45 school days in an academic year as either a single suspension or a number of shorter suspensions added together.

If a pupil receives more than 15 days of fixed-term suspension in a term, governors must meet to review the suspension. A school can suspend a pupil for lunchtimes, but the school should make efforts to resolve any difficulties before using a suspension. In exceptional cases, a

further fixed-term suspension or a permanent exclusion can be issued to follow the initial FTS. If this happens, the headteacher must write to the parent/carer to give reasons for the change.

- Permanent Exclusions (PEX) are issued when the headteacher believes a pupil should never return to the school because they have seriously or persistently breached the school's behaviour policy and that allowing them to remain in school would seriously harm their education or welfare (or that of others in the school).

This type of exclusion must be reviewed at a meeting by a panel of governors. The pupil and parent/carer will have the opportunity to put their case at the meeting, can be represented by someone who can speak on their behalf and can be supported by a friend, if they wish. If governors agree with the Headteacher's decision to permanently exclude the pupil, pupil and parent/carer have a legal right to a further opportunity to challenge this decision via an Independent Review.

Suspension/Exclusion as a Last Resort

A pupil will be suspended/excluded from school only as a last resort and as a result of serious and/or persistent breaches of the school behaviour policy and where allowing them to remain in school would be of serious detriment to the education or welfare of the pupil or others in school.

Other options should be investigated before resorting to a suspension/exclusion. The NYC Ladder of Intervention provides structured, step-by-step guidance for schools to support individual pupils who have social and emotional needs manifesting in challenging behaviour that could lead to a suspension/exclusion. The guidance details a graduated response to ensure early help is in place to support children and young people with social, emotional and mental health needs, including those that are at risk of suspension/exclusion.

Before taking the decision to suspend/exclude, the Headteacher should consider the following:

- What whole-school approaches and provision are in place to support this pupil? e.g. whole school behaviour policy and inclusive practice to support behaviour for learning, quality first teaching, etc.
- What measures or strategies has the school put in place to support this specific pupil? e.g. behaviour plan, specific learning support, mental health and wellbeing advice, etc. Have support and intervention been put in place and has enough time been allowed for the intervention or support to take effect?
- If there have been multiple, repeat suspensions/exclusions for similar reasons (e.g. abusive behaviour, drug use, etc.)
- What support has been sought from outside agencies, including the Local Authority? Through its universal and targeted provision, the LA provides access to a range of services. Has school accessed any of the following?
    - SEND guidance (for pupils with Special Educational Needs or a Disability)
    - Ladder of Intervention
    - SEND Assessment (leading to an Education Health and Care Plan)
    - Local Inclusion Panel or the Pupil Referral Service (PRS)

- Referral to the SEND Hub to support additional educational and/or social, emotional and mental health needs.
- Advice and support from an Educational Psychologist, the Early Help Service, Child and Adolescent Mental Health Service (CAMHS), Youth Justice Service or Children's Social Care
- An Early Help (EH) Assessment and Action Plan

Grounds for Exclusion

In line with paragraph 11 of the Suspension and Exclusions statutory guidance assets.publishing.service.gov.uk/media/66be0d92c32366481ca4918a/Suspensions_and_permanent_exclusions_guidance.pdf, before excluding a pupil permanently, the Headteacher must be convinced that there is sufficient evidence that the pupil has committed a disciplinary offence and that allowing the pupil to remain in school would seriously harm the education or welfare of that pupil or others in the school.

Protocol – Investigation before deciding whether to suspend/exclude a pupil the Headteacher should.

- make sure that a thorough investigation has been carried out, where practicable and consulting others if necessary.
- give the pupil a chance to say what happened.
- think carefully about the evidence available.
- ensure that the suspension/exclusion is for the shortest time necessary.
- take into account the school's Behaviour and Equality Policies
- check whether bullying or racial or sexual harassment (or any other coercion) led to their actions.

Protocol – Decision

The decision to suspend/exclude (either for a fixed-term or permanently) can only be taken by the Headteacher (whether on site or not- Deputy DSL to contact Headteacher if not on site). Upon coming to the decision to suspend/exclude, the school must inform the parent/carer by telephone as soon as possible. If contact cannot be made, the parent will be emailed, and this will be followed with a formal letter. To ensure statutory returns can be made to the DfE and so that alternative education can be put in place (in the event of a permanent exclusion), the school should also inform the Local Authority.

Local Authority Support

To ensure schools comply with statutory guidance issued by the DfE, the Local Authority recommends use of forms, templates and model letters developed by the NYC Inclusive Education Service. These forms and the most up-to-date information and guidance on exclusions can be accessed via: https://cyps.northyorks.gov.uk/exclusions.

Related policies:

- Positive Behaviour policy
- Equalities policy
- Anti-bullying policy
- Positive Handling policy

This policy can be found on the school website at https://www.st-peters-brafferton.n-yorks.sch.uk/policies/ Paper copies are available from the school office on request.

Monitored by: Full Governing Body

Date adopted: April 2026

Next review: April 2027

Review Cycle: Annually

Appendix 1- NGA Guidance

The suspension/exclusion process

Stage one: headteacher notifies parties of their decision.

When a headteacher suspends or excludes a pupil, they must, without delay, notify parents (or the pupil if aged 18 or over) of:

- the length of the suspension or exclusion and the reason(s) for it
- their right to **make representations to the governing board.**
- how representations can be made
- their right to request that the panel meeting (if required) be held via remote access, along with how to make this request (see Annex A of the statutory guidance).

The headteacher must inform relevant parties of a suspension as follows:

- **The governing board must be informed** where the suspension would result in the pupil being suspended for a total of more than five days in a term, or where the suspension would result in the pupil missing a public examination or national curriculum test. The headteacher must **also inform the governing board** once per term of any other suspensions.
- The LA must be informed without delay of all suspensions regardless of their length.
- The headteacher must, without delay, also notify the social worker (if the pupil has one), and the virtual school head (VSH) if the pupil is a looked-after child.

Education provision during a suspension

Where the suspension exceeds five days, **the governing board is responsible** for ensuring suitable alternative full-time education is arranged for the pupil from the sixth day. However, schools should ensure provision is in place as soon as is practical.

In the case of permanent exclusion, the headteacher must inform the following without delay:

- The governing board and LA.
- The pupil's social worker (if they have one), and the VSH if the pupil is a looked-after child.
- The pupil's 'home authority' (if the pupil lives outside the school's local authority area) who is responsible for ensuring suitable alternative full-time education.

Cancelling a suspension or exclusion

Headteachers may cancel (withdraw/rescind) a suspension or exclusion that has not yet begun or has begun but has **not yet been reviewed by the governing board**. If this occurs, the parents (or pupil if aged 18 or over), governing board and LA should be notified, and if relevant, the social worker and VSH.

The notification must provide a reason for the cancellation and parents (or pupil if aged 18 or over) should have the opportunity to discuss the circumstances of the cancellation with the headteacher without delay. The pupil must also be allowed back into the school without delay.

Any days spent out of school prior to the cancellation will count towards the maximum of 45 days a pupil can be suspended in any school year (a permanent exclusion cannot be cancelled if the pupil has already been suspended for more than 45 school days or if they will have been so by the time the cancellation takes effect).

In the case of a cancelled suspension/exclusion, there is **no requirement for the governing board to consider reinstatement.**

Schools should report the number and circumstances of any cancellations to the governing board each term to enable oversight of the effectiveness and consistency of suspension and exclusion. Guidance for governing boards on using suspension and exclusion data is provided on page 37 of the statutory guidance.

Stage two: governing board panel reviews headteacher's decision

Appendix 1 covers the recommended procedure to follow at an exclusion review meeting.

The governing board must consider the headteacher's decision to suspend or exclude a pupil in the circumstances set out below and in accordance with page 39 of the DfE guidance. The board's duty to consider the headteacher's decision applies **even if the pupil is no longer on roll** (for example, the parents withdraw them from the school).

A suspension which brings the pupil's total suspension days to five or fewer in a term.
The governing board must consider representations made by parents, but it is not required to arrange a meeting with parents and cannot direct reinstatement. However, the guidance does not set out the mechanism for considering such representations.

A suspension which brings a pupil's total suspension days to above five but no more than 15 days in a term.
The governing board must consider reinstatement, if parents request this, within 50 school days of being notified of the suspension. In the absence of any representations from parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Permanent exclusion or suspension which would bring the pupil's total suspension days to more than 15 in a term.
The governing board must consider reinstatement within 15 school days of being notified of the suspension/exclusion, regardless of whether the parents make representations.

Where a pupil's suspension or exclusion would cause them to miss a public examination or national curriculum test.
The governing board must make reasonable efforts to meet and consider reinstatement before the date of the exam. If this is not practical, the chair of governors, in the case of a maintained school, may consider the suspension or permanent exclusion alone and decide whether to reinstate the pupil. Otherwise, the governing board must consider reinstatement within 15 school days.

The mechanism for considering reinstatement is a meeting whereby a panel of governors/trustees determine whether the headteacher's decision to exclude was lawful, reasonable, and procedurally fair.

The statutory guidance says that the panel should also take account of the welfare and safeguarding of the pupil and their peers, the headteacher's legal duties, and any evidence presented to them.

Forming a panel

In maintained schools, the panel considering the headteacher's decision should consist of at least three governors. In academies, governing boards may delegate to committees of the trust board, including local governing bodies (LGBs), providing the trust's articles of association allow this (they typically do). We also recommend a panel of at least three individuals for an academy setting.

When forming the panel, governing boards should:

- **Consider which governors/trustees have the best understanding** of the suspension and exclusion process, the school's behaviour policy and/or have received appropriate training.
- **Consider who might chair the meeting** – the chair of the panel helps to ensure that the meeting is conducted in the correct procedural manner; they may also be required to mediate between parties; the governance professional may need to provide clarity on the role of chair.
- **Ensure that panel members have no personal interest in the case** and have minimal knowledge of the situation (they may know a pupil has been suspended or excluded but should not know the details) so that they are able to review the situation objectively.

NGA provides guidance for governors/trustees who are part of an exclusion panel.

Exclusions training for governing boards

NGA strongly recommends that governors and trustees receive training regarding school exclusion legislation and appropriate conduct at panel reviews. The board may wish to form a 'pool' of governors/trustees who are trained.

NGA provides training sessions for governors and trustees who are likely to be part of a panel and offers e-learning on the governing board's role in exclusions.

Arranging the meeting

It is crucial that the panel meeting is clerked, ideally by the clerk to the governing board. The clerk has an important role in arranging and supporting the panel meeting that includes:

- acting as a contact point for all parties
- collating and distributing relevant papers in advance of the meeting.

- providing procedural advice during the meeting

Who to invite.

The clerk must invite the following parties to the meeting:

- the headteacher
- the pupil's parents
- the pupil's social worker (if the pupil has one) and VSH (if the pupil is a looked-after child)
- a representative of the LA – a requirement for maintained schools and pupil referral units (in academies, parents may request that a representative of the LA and/or home authority attend the meeting as an observer although the representative may only make representations with the panel's consent)

The pupil should also be made aware of their right to attend, where appropriate, and should be enabled to make a representation on their own behalf if they wish to do so.

Be aware that:

- where a pupil under 18 is invited as a witness, parental consent should be sought.
- neither the parents nor the pupil has to attend, though if they wish to make representations it would be more appropriate if they were there in order to put forward their views.
- parents and pupils can be accompanied by a friend or representative at the meeting.

The governing board need to ensure they have fulfilled their **responsibility to make reasonable adjustments** so that all parties can attend and contribute fully to the meeting. This may include, for example, adjustments for pupils or parents with disabilities. The pupil should be encouraged to attend and speak on their own behalf. This could involve allowing them to bring a friend, or, if their attendance is impossible, suggesting an alternative means of feeding in their views.

Circulating evidence and information

The panel should request written evidence and other information relating to the exclusion in advance of the meeting. Where possible, the clerk should circulate this to all parties, including the panel, at least five school days before the meeting. This may include, but is not limited to:

- a list of all those who will be present at the panel meeting.
- a copy of the headteacher's decision letter sent to parents.
- a statement from the headteacher (providing a summary of the case and the reasoning behind their decision)
- the school's behaviour policy and any other relevant policies (e.g. SEND policy) •

  parents' written representations in support of their child.

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- witness statements (these can be from the headteacher, the pupil's teachers, the designated safeguarding lead, the pupil themselves, their parent(s) and, if applicable, the designated teacher for looked-after children, the pupil's social worker, and VSH)
- the pupil's behaviour record and other relevant information held by the school such as those relating to a pupil's SEN (if applicable)
- evidence of support and interventions attempted prior to exclusion (headteachers can use suspension and exclusion in response to serious incidents or in response to persistent poor behaviour which has not improved following in-school sanctions and interventions)
- photographs and videos such as CCTV recordings

Photograph and video evidence: data protection considerations

Where supplied, images/videos should be shared in one of the following formats:

- redacted images or video stills (ensuring the anonymity of all parties)
- redacted video footage which can be provided to the panel and all parties
- unredacted video footage which can be shown securely to the panel and all parties (for example, in-person prior to the meeting)

Seek advice from your data protection officer (DPO) about which format would be most appropriate.

Meeting minutes

The clerk should take detailed minutes throughout the meeting which state the evidence and information considered by the panel, including questions and answers. The minutes should state how decisions were reached (the clerk should be present during the panel's decision making) as they may be referred to by an independent panel if called upon to review the governing board panel's decision. The minutes should be made available to all parties on request but otherwise should remain confidential. See appendix 1 for further guidance on how the meeting should be conducted.

Remote access meetings

Panel meetings can be held remotely (using a live video link via Zoom or a similar platform) in the following circumstances:

- where the parent (or pupil if aged 18 or over) has requested the meeting to be held via the use of remote access
- extraordinary events or unforeseen circumstances, such as a fire, flood or outbreak of infectious disease, mean that a face-to-face meeting is not reasonably practicable.

There is no scope in the statutory guidance for hybrid meetings (with participants attending both remotely and face-to-face). The only exception to this is for social workers and VSHs who

must be allowed to join a meeting via the use of remote access, (including where the meeting is otherwise face-to-face), as long as they can contribute effectively.

If technological issues arise during a remote access meeting whereby participants cannot be seen or heard, or the meeting cannot be held fairly and transparently, and it is not reasonably practicable to resolve, a face-to-face meeting must be arranged without delay.

Meetings must only be held via remote access where governing boards are satisfied that the meeting can be held fairly and transparently. In practice, this means:

- confirming with all participants that they have access to technology which will allow them to hear and speak throughout the meeting, and to see and be seen, such as via a live video link.
- ensure all participants will be able to put across their point of view or fulfil their function If the panel is not satisfied that a meeting can be held fairly and transparently, they should consult with the parent to discuss how a face-to-face meeting can be arranged that will be convenient for them.

The use of remote access does not alter the usual procedural requirements that apply to panel meetings (for example, parents or pupils may be joined by a friend or representative as normal).

Minutes should still provide a clear record of all relevant parts of the meeting, including how 'chat' functions and other messages will be monitored.

Stage three: written notification of the decision

The panel must, without delay, inform the headteacher, the LA (along with the pupil's home authority, where applicable), the parents (or the pupil is aged 18 or over) and, where relevant, the pupil's social worker and/or the VSH of their decision and the justification for it in writing.

In some cases, the governing board is not required to inform parents about their decision to reinstate a pupil following a short-term suspension (where the pupil is likely to have returned to school already). However, we recommend that the board communicates its decision to parents in all circumstances.

Example statements that can be adapted for use in the written notification of the decision are included as an appendix to this guide. Letter templates are also available from most LAs.

A note should be made on the pupil's educational record, whatever the decision, and copies of relevant papers should be kept for at least six months in case a discrimination claim is made.

Parents' right to appeal permanent exclusion.

Where the panel decides not to reinstate the pupil in the case of a permanent exclusion, it must provide the parents with the following information in addition to the above:

- notification of their right to appeal to an independent review panel (IRP) within 15 school days of receipt of the panel's decision
- where and to whom this appeal (and any written evidence) should be submitted (usually the clerk of the IRP)

- that a request to hold the meeting via the use of remote access can be made, including how and to whom this request should be made (see Annex A of the statutory guidance)
- that their application for a review should set out the grounds on which it is being made and that, where appropriate, this should include a reference to how the pupil's special educational needs and disability (SEND) is considered to be relevant to the permanent exclusion.
- the parents' right to ask a SEND expert to attend the IRP (regardless of whether the pupil has recognised SEND) and an explanation of what the expert does.
- that they may appoint someone to make written and/or oral representations on their behalf, at their own expense.
- what to do if the parents think that there has been discrimination in the decision (they may make a claim to the First-Tier Tribunal under the Equality Act 2010 in cases of disability discrimination, and for other types of discrimination that they can make a claim to the County Court), and that such action must be taken within six months of the date that the pupil was excluded

If the parents fail to apply for an IRP within the stipulated timeframe, or if they state in writing that they will not pursue a review, then the governing board is responsible for ensuring that the name of the permanently excluded pupil is removed from the school admissions register.

The governing board is required to give the Secretary of State (and, in the case of maintained schools and PRUs, the LA) information about any exclusions that have taken place within the last 12 months when given 14 days' notice to do so.

Stage four: independent review of the board's decision

An IRP must be convened if the parents apply for an independent review within 15 school days of having been informed of the governing board's decision, or within 15 school days of the final determination that the exclusion arose from unlawful discrimination.

The role of the IRP

An independent review panel (IRP) is convened to review the governing board's decision not to reinstate a permanently excluded pupil. It must decide whether the decision was flawed owing to.
illegality, irrationality or procedural impropriety. The panel will consider the interests and circumstances of the excluded pupil and have regard to other pupils and school staff.

Following its review, the panel has three options:

- uphold the decision of the governing board.
- recommend that the governing board reconsiders reinstatement.
- quash the decision and direct the governing board to reconsider reinstatement.

IRP arrangements and procedure

In maintained schools, it is the responsibility of the LA to arrange an IRP. In academies, it is the responsibility of the academy trust, which may choose to delegate this to a service provider.

The LA or academy trust should appoint a clerk for the hearing (who should **not** have served as clerk for the governing board panel which made the decision not to reinstate the pupil).

IRP procedures are covered in parts 9 and 10 of the statutory guidance relating to exclusions. This includes the possibility of relevant parties (such as the pupil, parent and the governing board) making representations to the panel and attending the hearing. Where a representative of the governing board is invited to make a representation about its decision, it would be best practice for the chair of the original panel to attend. Remote access meeting requirements, where applicable, are as per governing board panel meetings (covered in part 11 of statutory guidance).

The review must begin within 15 school days of the day on which the parent's application for a review was made.

Stage five: governing board revisit their decision.

If, as a result of the IRP, the governing board is directed or recommended to review its original decision, it must do so within 10 school days of notification. The governing board should reconsider reinstatement using a thorough process, regardless of whether it is a direction or recommendation of the IRP.

Process for reconsidering reinstatement

The governing board (a panel of governors/trustees) will need to convene a meeting to reconsider reinstatement. We recommend that governors/trustees who were part of the original panel convened to consider the headteacher's decision are **not involved** at this stage.

Governors/trustees involved in reconsidering the decision are not required to receive representations or hear evidence from relevant parties. However, it is important that any new information and evidence **that is relevant to the exclusion** is considered at the meeting. The meeting should be clerked; it is important that clear minutes are taken.

As in stage three, a pupil's intention (or otherwise) to return to the school on reinstatement should not affect the panel's decision to reinstate. It should be based purely upon whether, in light of the IRP's recommendations, the decision to exclude should be upheld.

The governing board should be aware that it may face challenge in the courts if it refuses to reinstate the pupil without strong justification. The board's decision should demonstrate how it has addressed the concerns raised by the IRP.

If the governing board receives a direction to reconsider the exclusion decision but decides not to offer to reinstate the pupil, £4000 will be removed from a maintained school's budget. In the case of an academy, the trust will be required to make a direct payment of £4000 to the LA.

Notification of the decision

Whatever the decision, the governing board must immediately give written notification to the parents, the headteacher, the LA and, where relevant, the home authority.

If the governing board decides to reinstate the pupil, it will need to determine the date of the reinstatement and notify the headteacher and the parents immediately. A pupil may not wish to return to the school, but the decision should always be noted on their educational record.

Appendix 1: panel meeting procedure

NGA recommends that the panel meeting is conducted as follows:

1. Arrival and introductions

The chair welcomes all parties, outlining the stages of the meeting and expected conduct. In the case of remote meetings, this should include guidance on how participants should indicate that they wish to speak and how any 'chat' functions should be used (including how 'chat' functions or other messages will be monitored by the clerk and included within minutes).

2. Considering relevant information and evidence

The panel seeks to establish the facts and circumstances of the decision to exclude, as well as the circumstances of the excluded pupil.

Those making representations or giving evidence should be invited by the chair to speak and have their views heard. Sufficient time should be given for this and for the panel to ask questions or clarify points. However, it is reasonable for the chair to intervene and move the meeting on if they feel this is necessary and in the interests of all concerned.

3. Final statements

It is appropriate for the chair to invite those making representations to give a brief final statement. This may also extend to those giving evidence if the panel deems it necessary.

4. Concluding the meeting

The chair concludes the meeting by thanking all parties for their attendance and requesting that they withdraw to allow the panel to consider its decision. The clerk should stay to record the discussion and support the panel, sharing their notes of the meeting if required and helping with the wording of the decision letter.

5. The decision stage

The panel must decide to uphold the decision or to reinstate the pupil either immediately or on a specific date.

In some cases, a decision to reinstate will make no practical difference; the pupil may already have returned to school following a suspension or the parents make clear they do not want their child reinstated. However, the panel should still consider, on the basis of the evidence, whether or not it would have upheld the decision to suspend or exclude.

The suspension/exclusion should not be discussed outside of the meeting.

Appendix 2: example statements for decision letter

Where the panel decide NOT to reinstate the pupil:

A panel of governors met on < date > to consider the decision by < headteacher's name > to < permanently exclude/suspend < pupil's name >. After carefully considering the representations made and all available evidence, the panel has decided not to reinstate < pupil's name>.

The reasons for the panel's decision are:

< Insert clear reasons for the outcome by referring to use of the school's behaviour policy and covering the following (as appropriate):

- the headteacher's decision being lawful, reasonable, procedurally fair, and appropriate in the circumstances.
- there being no other reasonable alternative to suspension or exclusion.
- the welfare and safeguarding of the pupil and their peers
- the headteacher's legal duties >

[In the case of permanent exclusion] You have the right to appeal this decision and to request that it is reviewed by an independent review panel. If you wish to do so, please note: < Detail information that should be provided to parents regarding appeal>

Where the panel decide to reinstate the pupil:

A panel of governors met on < date> to consider the decision by < headteacher's name > to < permanently exclude/suspend < pupil's name >.

After carefully considering all available evidence and representations made, it is the decision of the panel that < pupil's name > **should be reinstated as soon as possible**.

< Where appropriate, identify reasons for the outcome >

As such, < pupil's name > will be allowed to return to the school on < date > at < time >