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_____ learners who aspire for themselves and inspire others

School Exclusion Policy

(CPS-ST-P-POL-099)

Revision Number	Comments	Date
01	Creation of new policy	July 2023
02	Revised to take into account DFE Guidance Aug 2024	Sept 2024
03	Revised Jan 2025 to clarify issues around suspensions and parents reporting students unwell. Revised to included Tiered Suspensions	Jan 2025

Endorsement

This procedure was endorsed for use electronically by the Governors on 25 February 2025

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1. Introduction

In accordance with Section 29(1) of the Education Act 2002, all maintained school must have and publish a policy to deal with school exclusions.

Calthorpe Park School is dedicated to providing the best possible education and support for its students. This means having a clear, fair and efficient policy for exclusions.

This policy takes into account the August 2024 guidance from the DfE 'Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'

2. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and students understand the exclusions process
- Ensure that students in school are safe and happy
- Prevent students from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

Off-rolling

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as:

“The practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent to remove their child from the school roll, when the removal is primarily in the interests of the school rather than in the best interests of the students.”

We will not suspend or exclude students unlawfully by directing them off site, or not allowing a student to attend school:

- Without following the statutory procedure or formally recording the event, e.g. we will not send student home to 'cool off'
- Because they have special educational needs and/or a disability (SEND)
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- By exerting undue influence on a parent to encourage them to remove their child from the school

3. 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 student referral units in England, including student movement](#).

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

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Student 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 students
 - Section 579 of the [Education Act 1996](#), which defines 'school day'
 - The [Education \(Provision of Full-Time Education for Excluded Students\) \(England\) Regulations 2007](#), as amended by [The Education \(Provision of Full-Time Education for Excluded Students\) \(England\) \(Amendment\) Regulations 2014](#)
 - [The Equality Act 2010](#)
 - [Children and Families Act 2014](#)

4. Definitions

Suspension – when a student is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a student is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a Governing Body of a maintained school requires a student to attend another education setting temporarily, to improve their behavior.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a student is supported by its current school to transfer to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

5. Roles and responsibilities

The Headteacher

The headteacher will pay due regard to the statutory guidance regarding suspensions and permanent exclusions. A link to this document can be found by clicking [here](#)

Only the Headteacher, or acting Headteacher, can suspend or permanently exclude a student from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The Headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a student will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the student to remain in school would seriously harm the education or welfare of others
- Before deciding whether to suspend or exclude a student, the Headteacher will:
- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the student to give their version of events
- Consider whether the student has special educational needs (SEN)
- Consider whether the students especially vulnerable (e.g. the student has a social worker, or is a looked-after child (LAC))

The Headteacher will consider the views of the student, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Students who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher may choose to follow the following framework in the case of students who require a number of suspensions.

Suspension stage	Typical Length	Reintegration Led by	Follow Up on return		
1	0.5 days	Head of House	Tutor report	0.5 day in isolation complete return from Suspension intervention	Inclusion referral
2	1 day	Head of House	Head of House report	1 day in isolation to complete return from Suspension Intervention	Escalation of Inclusion Stage Referral to AEN to check for undiagnosed needs
3	2 days	Assistant Headteacher	Assistant Headteacher report	1 day isolation to complete return from Suspension Intervention	Escalation of Inclusion Stage Behaviour Contract signed by student and parent
4	3 days	Deputy Headteacher	Deputy Headteacher report	Possible direction to After School Provision	Escalation of Inclusion Stage Warning letter to the student based

					on breaking the behaviour contract
5	4 days	Headteacher		Possible direction to Alternative Curriculum or Offsite	Escalation of Inclusion Stage
6	5	Headteacher		Risk of Permanent Exclusion	

Should a student receive a sixth suspension the Headteacher reserves the right to permanently exclude that student for a persistent breach of school policy and where allowing the student to remain in school would seriously harm the education or welfare of others. Equally, the Headteacher may, on balance, seek to flexibly apply this approach and, where deemed appropriate, offer a student a further opportunity to correct their behaviour. It should also be noted that the Headteacher has the legal right to permanently exclude a pupil for a one-off serious incident where such behaviour is a serious breach of the school's behaviour policy; and where allowing the student to remain in school would present a serious risk to students or staff.

Informing parents

If a student at risk of suspension or exclusion the Headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the students' behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or exclude a student, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the Governing Body and how the student may be involved in this
- How any representations should be made
- Where there is a legal requirement for the Governing Body to hold a meeting to consider the reinstatement of a students, and that parents (or the student if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The Headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

Students who are Looked After or have a social worker

If a:

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

This is in order to work together to consider what factors may be affecting the student'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 student with a social worker / a student who is looked after, they will also inform the students' social worker / the VIRTUAL SCHOOL HEAD, as above, as appropriate, without delay.

The social worker / VIRTUAL SCHOOL HEAD will be invited to any meeting of the Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the students' background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the students' welfare are considered.

Students on reduced timetables

It may be necessary for students on reduced timetables to serve the length of their suspension across more than one day. For example, a student suspended for one day will be suspended for 2 sessions which may fall across two days. (For clarification, one session is to include one statutory am or pm registration).

Students who are reported unwell during their suspension

In the event a student is suspended and is unwell the suspension still stands provided the parent has been notified of the suspension and is in receipt of the suspension letter. If the suspension letter has not been issued as above and the student is reported as absent then the suspension will 'roll over' to the next available day the student is due to be in school.

If the student is suspended but is not due to attend school on the day they are suspended (for example if attending an alternative provision) then the suspension will take place on the next available day the student is in school.

Informing the Governing Body

The Headteacher will, without delay, notify the Governing Body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a student
- Any suspension or permanent exclusion which would result in the student 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 student missing a National Curriculum test or public exam

The Headteacher will notify the Governing Body once per term of any other suspensions of which they have not previously been notified, and the number of suspensions and exclusions which have been cancelled, including the circumstances and reasons 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 student lives outside the LA in which the school is located, the Headteacher will also, without delay, inform the students' 'home authority' of the exclusion and the reason(s) for it.

Cancelling suspensions and permanent exclusions

The Headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Governing Body. Where there is a cancellation:

- The parents, Governing Body and LA will be notified without delay
- Where relevant, any social worker and VIRTUAL SCHOOL HEAD will be notified without delay
- Parents will be offered the opportunity to meet with the Headteacher to discuss the cancellation
- As referred to above, the Headteacher will report to the Governing Body once per term on the number of cancellations
- The student will be allowed back in school

Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, the Headteacher will ensure that appropriate work is set on EduLink.

Reintegration meetings

The school will arrange a reintegration meeting before or on the student's return to school. The students, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting. During the meeting the school will communicate to the student that they are getting a fresh start and that they are a valued member of the school community. The school will outline the steps it will take to help the student reintegrate successfully into school life and full-time education. This may include going on daily report to a Senior Leader, referral to support such as ELSA sessions. This is an important meeting in ensuring that the student can return successfully and therefore it is expected that all students and their parents attend. However, where this is not possible, student will not be prevented from returning to the classroom.

The Governing Body

Considering suspensions and permanent exclusions

The Governing Body will pay due regard to the statutory guidance regarding suspensions and permanent exclusions. A link to this document can be found by clicking [here](#)

Responsibilities regarding suspensions and permanent exclusions may be delegated to a group of at least 3 governors.

The Governing Body has a duty to consider parents' representations about a suspension or permanent exclusion. It has a duty to consider the reinstatement of a suspended or permanently excluded student (see Appendix 1) in certain circumstances.

Within 14 days of receiving a request, the Governing Body will provide the secretary of state and the LA information about any suspensions or exclusions within the last 12 months.

For any suspension of more than 5 school days, the Governing Body will arrange suitable full-time education for the students. This provision will begin no later than the sixth day of the suspension.

The Governing Body does not have to arrange such provision for students in their final year of compulsory education who do not have any further public exams to sit.

The Local Authority (LA)

For permanent exclusions, the LA will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For students who are LAC or have social workers, the LA and the school will work together to arrange suitable full-time education to begin from the first day of the exclusion.

6. Links with other policies

This Exclusions Policy is linked to our:
Behaviour Policy
SEN Policy

7. Evaluation & Review

The implementation of this policy will be monitored by the Head Teacher, by the Senior Leadership Team and by the Governing Body.

The implementation of this policy will be reviewed, and its impact monitored, in accordance with the Governing Body's programme for Policy Review - refer to CPS-NS-X-PRO-002 Document Review Procedure.

Appendix 1: Reinstatement of a student

The Governing Body must consider and decide whether to uphold or reinstate a student within 15 days if the student has been

- permanently excluded
- suspended for more than 15 days in a term
- or their suspension or exclusion will result in them missing a public exam

Where the student has been suspended for less than 5 days in one term the Governing Body must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the headteacher to reinstate the students (see Appendix 4).

Where the student has been suspended for between 5 and 16 days in a single term, and the parents make representations to the Governing Body, they must decide to uphold or reinstate the student within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the headteacher to reinstate the students.

Where a suspension or permanent exclusion would result in a student missing a public exam, The Governing Body will, as far as reasonably practicable, consider and decide to uphold or reinstate the student before the date of the exam. If this is not practicable, the chair of the Governing Body (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the students.

The following parties will be invited to a meeting of the Governing Body and allowed to make representations or share information:

- Parents (and, where requested, a representative or friend)
- The students, if it would be appropriate to their age and understanding (and, where requested, a representative or friend)
- The headteacher
- The students' social worker, if they have one
- The VIRTUAL SCHOOL HEAD, if the students looked after
- A representative of the local authority

The Governing Body will try 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. However, its decision will not be invalid simply on the grounds that it was not made within these time limits. The Governing Body can either:

- Decline to reinstate the students, or
- Direct the reinstatement of the student immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)
- The following will be taken into consideration:
- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the headteacher followed their legal duties
- The welfare and safeguarding of the student and their peers

- Any evidence that was presented to the Governing Body

They will decide whether or not a fact is true 'on the balance of probabilities.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the students' educational record, and copies of relevant papers will be kept with this record.

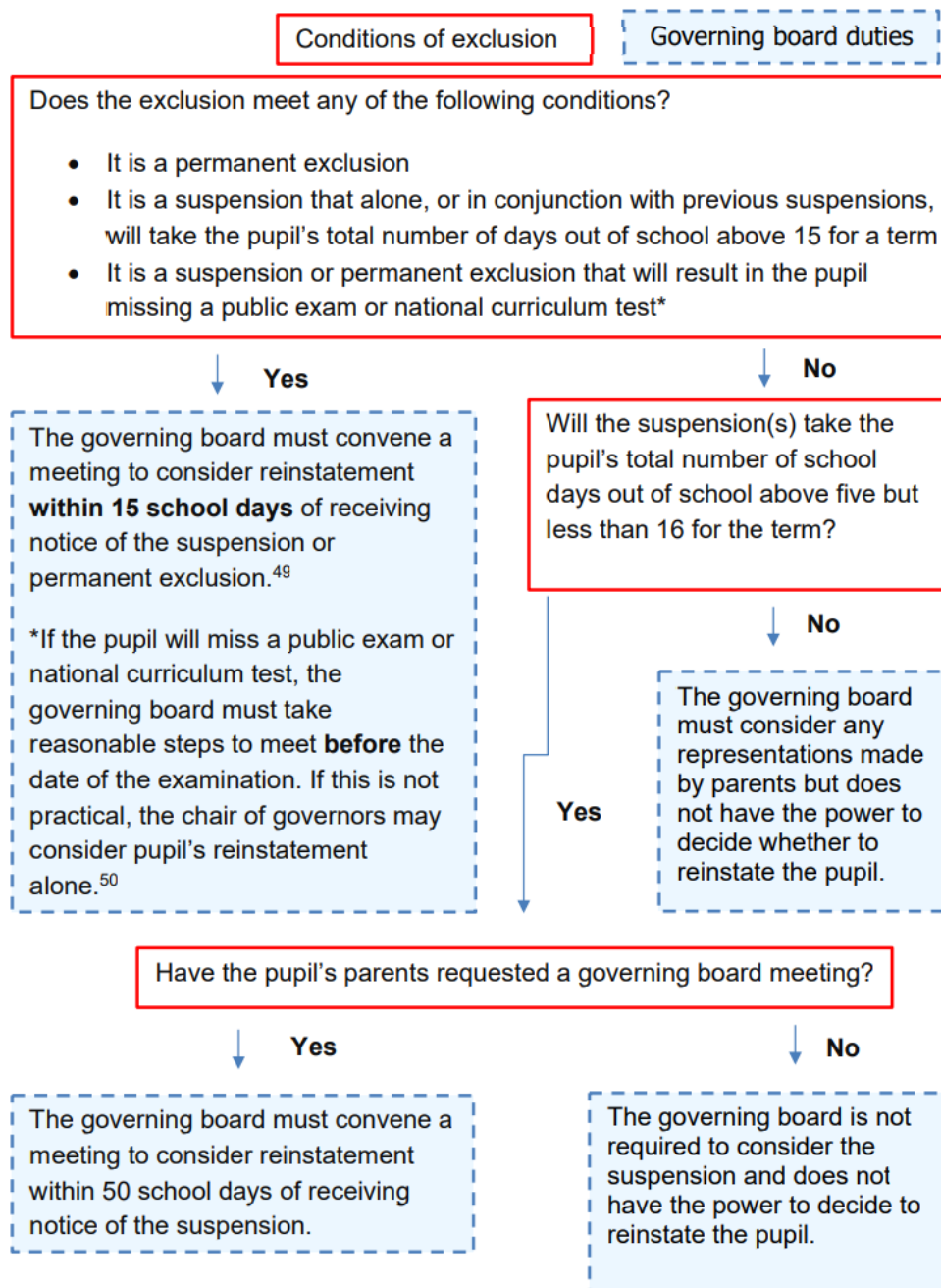
The Governing Body will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents
- The headteacher
- The students' social worker, if they have one
- The VIRTUAL SCHOOL HEAD, if the student is looked after
- The local authority
- The students' home authority, if it differs from the school's

Where an exclusion is permanent and the Governing Body has decided not to reinstate the students, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel
- The date by which an application for an independent review must be made (15 school days from the date on which notice in writing of the Governing Body' decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the student's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded student has recognised SEN, parents have a right to require the LA to appoint a SEN expert to advise the review panel
- 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 a 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 permanent exclusion has occurred as a result of unlawful 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. Also, that any 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.

A summary of the governing board's duties to review the headteacher's exclusion decision



Appendix 2: Independent review

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

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 the student **or**, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

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. At all times during the review process there must be the required representation on the panel.

- 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
- Current or former 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 headteachers during this time
- Headteachers 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 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 students, 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)

The panel must consider the interests and circumstances of the students, including the circumstances in which the student was permanently excluded, and have regard to the interests of other students and people working at the school.

Considering the students' age and understanding, the student or their parents will be made aware of their right to attend and participate in the review meeting and the student should be enabled to make representations on their own behalf, should they desire to.

Where a SEN expert is present, the panel must seek and have regard to the SEN expert's view of how SEN may be relevant to the students' permanent exclusion.

Where a social worker is present, the panel must have regard to any representation made by the social worker of how the students' experiences, needs, safeguarding risks and/or welfare may be relevant to the students' permanent exclusion.

Where a VIRTUAL SCHOOL HEAD is present, the panel must have regard to any representation made by the social worker of how any of the child's background, education and safeguarding needs were considered by the headteacher in the lead up to the permanent exclusion, or are relevant to the students' permanent exclusion.

Following its review, the independent panel will decide to do 1 of the following:

- Uphold the Governing Body' decision
- Recommend that the Governing Body reconsiders reinstatement

- Quash the Governing Body' decision and direct that they reconsider reinstatement (only if it judges that the decision was flawed)

New evidence may be presented, though the school cannot introduce new reasons for the permanent exclusion or the decision not to reinstate. The panel must disregard any new reasons that are introduced.

In deciding whether the decision was flawed, and therefore whether to quash the decision not to reinstate, the panel must only take account of the evidence that was available to the Governing Body at the time of making its decision. This includes any evidence that the panel considers would, or should, have been available to the Governing Body and that it ought to have considered if it had been acting reasonably.

If evidence is presented that the panel considers it is unreasonable to expect the Governing Body to have been aware of at the time of its decision, the panel can take account of the evidence when deciding whether to recommend that the Governing Body reconsider reinstatement.

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

Once the panel has reached its decision, the panel will notify all parties in writing without delay.

This notification will include:

- The panel's decision and the reasons for it
- Where relevant, details of any financial readjustment or payment to be made if the Governing Body does not subsequently decide to offer to reinstate the student within 10 school days
- Any information that the panel has directed the Governing Body to place on the students' educational record

Appendix 3: Independent review panel training

The LA must make sure 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 suspensions and permanent exclusions on disciplinary grounds, 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 headteachers, Governing Body 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

Appendix 4: CPS Governors procedure for responding to parent/carer representation regarding a student who has been suspended for 5 days or less in one term

The DfE process where a parent/carer requests a meeting for a suspension which does not take the child's total for that term over 5 days states (in para 106 of the guidance) in para 106 "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." Hampshire County guidance similarly says "The governor board must consider any representations made by parents but does not have the power to decide whether to reinstate the pupil"

On Hampshire Inclusion advice and for the sake of clarity for school and parents/carers, the Governing Board of CPS have agreed to interpret this guidance via the following process:

- The Clerk will acknowledge the request within 5 school days and request the parents' submission for governors' consideration within 10 school days of the acknowledgement
- The Clerk will ask the Headteacher to provide a submission for governors consideration in the same timescale.
- The School pack will be a sub set of the HCC checklist for GDCs (in the HCC guidance) limited to that information appropriate for the individual circumstances of the case
- Three governors will meet in private (with a Clerk to note their discussions) to consider the paperwork submitted within 50 school days of the original request
- The Clerk will advise the parent when a date has been agreed.
- The Governors will reply to the parent/carer in the form of a letter summarising their conclusions within 5 school days of meeting
- There is no right of appeal and governors have no right to overturn the Headteachers decision to suspend.