



ROWHILL SCHOOL

Suspensions and Exclusions Policy

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Responsibilities

Status	Statutory
Review cycle	Annually
Key school staff member & role	Geoff Bartrum – Headteacher
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1. Mission Statement

That all students should aspire to be:

- successful learners
- confident individuals
- responsible citizens
- and effective contributors

2. Vision Statement

As a specialist school that supports pupils with a range of complex special educational needs (SEN), we endeavour to employ a highly-skilled, flexible workforce who will provide support which intends to meet the aspirations of our mission statement, working closely with a range of stakeholders and partners to enhance student outcomes.

3. Ethos and Values

The school aims to be positive, innovative and demanding with high expectations while balanced with high levels of support for each pupil's well-being. The values we believe are needed to attain this ethos include:

- teamwork, partnership and support to ensure the best possible learning environment is created
- personal responsibility and leadership to ensure everyone understands their roles within the school and feels a sense of belonging and achievement
- innovation, creativity and change to ensure that the school remains at the cutting edge of teaching and learning and behavioural development
- resilient, optimistic and positive to ensure all pupils learn to cope with success and failure, to develop self-esteem
- challenge, opportunity and recognition to ensure all possible avenues for development are investigated and achievement rewarded
- honesty, trust and compassion to ensure we become an emotionally intelligent community capable of understanding the feelings of others



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4. Introduction and aims

Rowhill School caters for pupils who predominantly have identified Social, Emotional and/or Mental Health needs. They may also have autism, speech and language needs and sensory processing differences. There will inevitably be times when the behaviour of a pupil is both serious and significant and compromises the health and safety of the pupil and of those around him or her. It is important that Rowhill School provide a consistent approach to responding to situations where a pupil's behaviour reaches this level. For further information, please see the School's Positive Behaviour Support policy.

Staff at Rowhill School will always explore a range of support and approaches to support pupils' well-being, presenting special educational needs and when pupils' behaviours challenge staff, before considering suspensions. Suspension and/or exclusion from school is often traumatic for the pupil, their family and school staff as well as being an exacting process for Headteachers and Governors. A permanent exclusion will be taken as a last resort or, when extreme behaviour or circumstances occur.

This policy aims to outline the approaches, processes and procedures when a suspension or exclusion is deemed to be necessary. Our school aims to ensure that:

- The suspensions and exclusions process is applied fairly and consistently
- The suspensions and 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)

The decision to exclude is the Headteacher's and the purpose of the Governors' is to review that decision. It is important that this is carried out in accordance with all relevant legislation. This document is intended as a practical guide to all involved in the suspension/exclusion review process. It is not exhaustive; governors and clerks are also invited to contact the Exclusions Intervention Adviser (EIA) if they have queries about the process.

The EIA for Rowhill School is:

Lisa Davidson, Exclusion Intervention Adviser (North Kent)

Kent PRU and Attendance Service (KPAS)

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5. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion guidance](#)

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

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](#)

6. Definitions

6.1 The school day

For the purposes of suspensions or 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.

6.2 Suspension

A suspension (also sometimes referred to as a fixed-term exclusion) is for a specific period of time. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year).

6.3 Exclusion

An exclusion (also sometimes referred to as a permanent exclusion) involves the child being 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).



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7. The decision to suspend or exclude

Only the Headteacher, or Acting Headteacher, can suspend or exclude a pupil from school.

Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as: "...the practice of removing a pupil 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 pupil."

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

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

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

Before deciding whether to suspend or exclude a pupil the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the suspension/exclusion were provoked
- Allow the pupil to give their version of events
- Consider the pupil's special educational needs (SEN) – see Section 8
- Review the provision in place and the contextual circumstances – see Section 8

8. Considerations of SEND

It's unlawful to suspend or exclude a pupil if it's because:

1. A school feels it's not able to cater for their additional needs or disability
2. The pupil's behaviour that led to the suspension or exclusion is a consequence of their additional needs or disability

Suspending or excluding a pupil with additional needs for behaviour that's a consequence of these needs could be seen as unlawful disability discrimination – see paragraph 4.10 of the [DfE's guidance on the Equality Act 2010](#).



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This is the case unless a school can show that the suspension or exclusion is a 'proportionate' means of achieving a legitimate aim. It's unlikely it will be considered 'proportionate' if a school hasn't made significant efforts to support the pupil to manage their presenting behaviour. As outlined in Section 4, staff at Rowhill School will always explore a range of support and approaches to support pupils' well-being, presenting special educational needs and when pupils' behaviours challenge staff, before considering suspensions. A number of factors will be considered when exploring whether a suspension or exclusion is necessary, e.g. the pupil's special educational needs, reviewing the provision in place and the contextual circumstances. These factors could include, but are not limited to:

- A pupil with significant emotional fragility who is unable to moderate their physical responses in response to events
- A pupil undergoing a crisis of some sort, whether at home or at school, that has overwhelmed them and their usual ability to respond appropriately to events
- A pupil who is in a high state of anxiety or fear that has been triggered by events around them
- A pupil who is taking medication that alters their perception of the world around them
- A pupil with sensory processing problems finds a situation impossible to cope with in terms of sensory overload
- A pupil who cannot communicate their anxieties and fears in a way that the those around them can understand

The above issues can be created or exacerbated by the school environment itself. These may include:

- The school rules are not stated in a clear and accessible way for the pupil
- The environment in which they find themselves is unpredictable and/or unable to provide the emotional security they need
- The lack of appropriate therapeutic or medical support to address a child's emotional needs
- The lack of suitable communication aids so that the pupil can understand and be understood
- The lack of an appropriate social and emotional learning programme that is customised for the pupil and understood by all

In considering whether a suspension/exclusion is necessary, Headteachers must consider the above and any other circumstances that may impact on the pupil's behaviour leading up to the incident.



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9. Roles and responsibilities

9.1 The Headteacher

Informing parents /carers

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

- The reason(s) for the suspension or exclusion
- The length of a suspension or, for an exclusion, the fact that it is permanent
- Information about parents/carers' right to make representations about the suspension/exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board 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/carers 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/carers are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents/carers 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 a suspension/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.



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Pupils who have a Social Worker or are Looked After by the Local Authority (LAC)

When a pupil has been suspended or excluded, the Headteacher will, without delay, notify the pupil's social worker, if they have one, and their LA's Virtual School, if they are a looked-after child. This notification will include the period of any suspension and the reasons for suspension or permanent exclusion. Social workers and/or the Virtual School will also be informed when key meetings are taking place and will be invited to attend the meeting should they wish to do so. The Social Worker and Virtual School will be allowed to join an independent review panel via the use of remote access, as long as the arranging authority is satisfied they will be able to participate effectively, they can hear and be heard throughout the meeting, and their remote participation will not prevent the meeting being fair and transparent.

Informing the governing board and local authority

The Headteacher will immediately notify the governing board and the local authority (LA) of:

- A permanent exclusion, including when a fixed-period exclusion is followed by a decision to permanently exclude a pupil
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions or an exclusion which would result in the pupil missing a public examination
- For an 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 board and LA once a term

9.2 The Governing Body

Responsibilities regarding suspensions/exclusions are delegated to the Governing Body consisting of at least three governors. The Governing Body has a duty to consider the reinstatement of an excluded pupil (see section 9).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the Local Authority with information about any exclusions in the last 12 months.



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For a suspension of more than 5 school days, the governing board will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

In addition, for pupils with an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents/carers, with a view to identifying a new placement.

9.3 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.

10. Considering the reinstatement of a pupil

The governing body will hold a meeting to 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 suspension 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 or national curriculum test

A clerk will be appointed to the panel. The clerk is responsible for:

- Informing the appropriate individuals that they are entitled to:
 - Make written representations to the panel
 - Attend the hearing and make oral representations to the panel.
 - Be represented
 - Circulating copies of relevant papers at least five school days before the review to all parties
 - Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy

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.



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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 a meeting is not practicable, the chair of the governing board (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/carers and the local authority of its decision, along with reasons for its decision, without delay.

Where an exclusion takes place, the governors' decision will also include the following:

- The fact that it is permanent
- Notice of parents/carers' 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



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- That, regardless of whether the excluded pupil has recognised SEN, parents/carers have a right to require the Local Authority to appoint an SEN expert to attend the review
 - Details of the role of the SEN expert and that there would be no cost to parents/carers for this appointment
 - That parents/carers must make clear if they wish for an SEN expert to be appointed in any application for a review
 - That parents/carers 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/carers 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.

11. An independent review

If parents/carers apply for an independent review, the local authority will arrange for an independent panel to review the decision of the governing board 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 governors' 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 headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years



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

- Are a member of the local authority, or governing board of the excluding/suspending school
- Are the Headteacher of the excluding/suspending school, or have held this position in the last 5 years
- Are an employee of the local authority or the governing board, of the excluding/suspending school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the local authority school, governing board, parents or pupil, or the incident leading to the exclusion/suspension, 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 independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board'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.

12. 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 (Attending any other Approved Education Activity) or code D (dual registration) will be used on the attendance register. Where excluded pupils are not attending alternative provision, code E (Suspended or excluded without alternative provision) will be used.

13. Returning from a suspension or rescinded exclusion

Following a suspension, or rescinded exclusion, a reintegration meeting will be held involving the pupil, parents/carers, a member of Senior Leadership Team and other staff, where appropriate.

The purpose of the meeting is to:

- Offer the pupil a fresh start
- Foster a renewed sense of belonging within the school community
- Build engagement with learning
- Help them understand the impact of their behaviour on themselves and others
- Support them to meet the expectations of behaviour in line with the school culture

The following measures are examples of actions and support which may be implemented when a pupil returns to school:

- Risk assessment
- Behaviour Support Plan
- Extra support in the classroom
- Reduced attendance or timetable
- Accessing therapeutic interventions within school
- Referrals to appropriate outside agencies, e.g. Early Help, CAMHS
- Personalised targets with appropriate, personalised rewards
- Planned pastoral interventions
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage

14. Monitoring arrangements

The Headteacher monitors the number of suspensions and exclusions every term and reports back to the governing body. Quantitative and qualitative data will be analysed by the governing body and SLT on a regular basis to identify and reflect on trends, in order to forward plan, as necessary.



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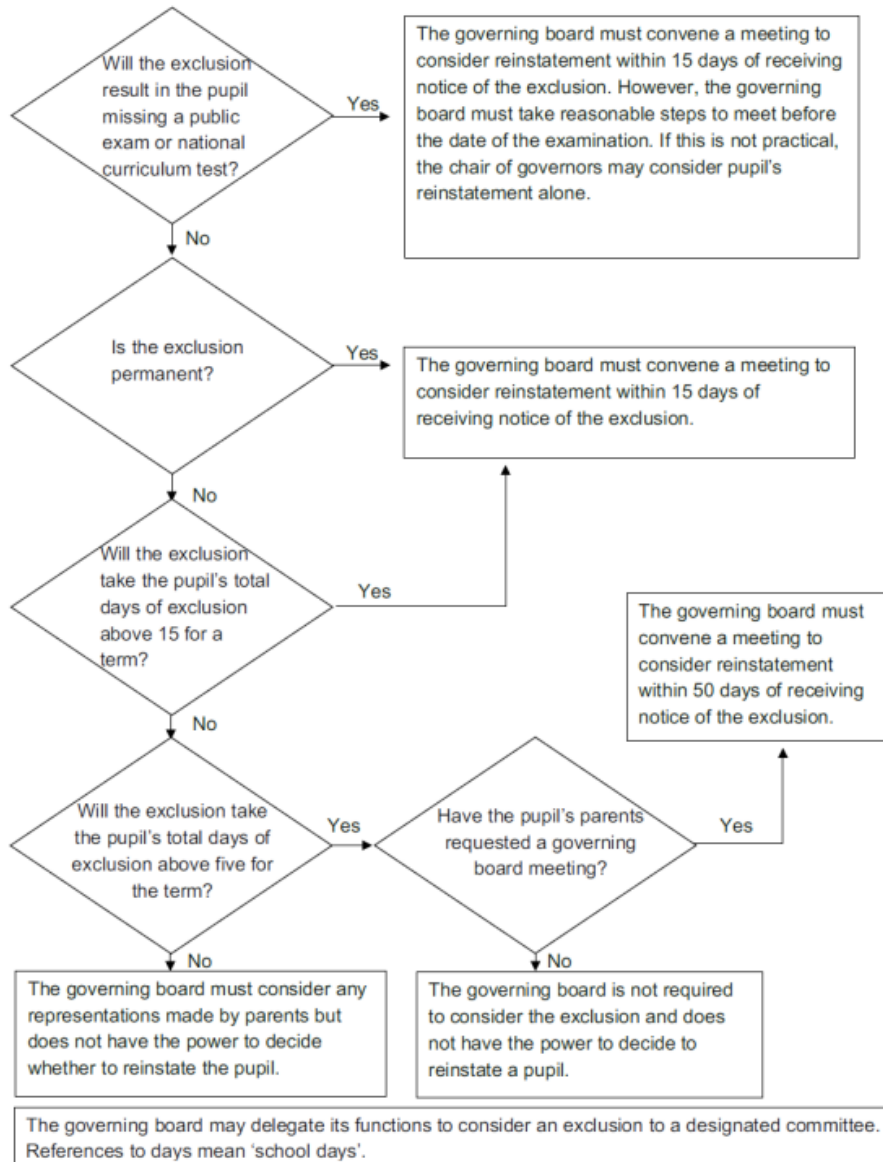
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15. Links with other policies

This policy should be read alongside the following policies:

- Positive Behaviour Support policy
- Anti-bullying policy
- SEND policy
- Attendance policy
- Mental Health policy
- Use of mobile phone and electronic devices policy
- Online and acceptable use of technology policy

APPENDIX A – A summary of the governing body’s duties to review the Headteacher’s decision to suspend/exclude a pupil



Note: the legislation deems a lunchtime exclusion to be a fixed period exclusion equivalent to half a school day. This should be taken into account for the purposes of the above. For example, if a pupil were to be excluded at lunchtime for 15 school days in the same term this would be the equivalent of seven and a half full days and the above would apply

- END OF POLICY -