



Mowbray School

Suspension and Exclusion Policy

Policy reviewed and approved	March 2024
Version	1.1
Review frequency	Annually
Date of next review	March 2025
Responsible Officer	Rachel Hargreaves

Adopted from the NYCC Model School Suspension/Exclusion Policy

Legislative Background

In addition to this policy, Headteachers, governing bodies, local authorities and independent appeal panels should have regard to DfE Statutory Guidance: Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement [Suspension and permanent exclusion guidance September 2023 \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/712222/suspension-and-permanent-exclusion-guidance-september-2023.pdf) September 2023

Related School Policies

- Behaviour regulation Policy
- Equalities policy
- Anti-bullying policy

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 an 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.

Exclusions The decision to exclude a pupil permanently should only be taken as a last resort and in response to a serious breach or persistent breaches of the school's behaviour policy **and** were allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school.

School leaders must ensure that both criteria are fulfilled before issuing a permanent exclusion and that any explanation for the exclusion clearly references how they have been met; failure to do so will likely lead to robust challenge by Independent Review.

The headteacher must take account of their legal duty of care when sending a pupil home following a suspension or an exclusion.

At Mowbray School we will follow the guidance set out by NYCC and available in appendix 1

At Mowbray we will use the NYCC suspension/Exclusion checklist found in appendix 2, updated November 2023 and send the NYCC exemplar notification letters in appendix 3.

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 an suspension/exclusion. The NYCC [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. *Are school policies inclusive or do they discriminate against particular pupils with specific needs? 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 has been put in place to successfully address the causes? Where the school is repeatedly suspending/excluding for the same reason, this could indicate unmet needs.**
- **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 statutory guidance, 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, 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 and, if appropriate, the Race Relations Act and Disability Discrimination Act;
- 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. Upon coming to the decision to suspend/exclude, the school must inform the parent/carer by telephone as soon as possible and follow this 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 NYCC 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>

Appendix 1 –

NYC Local Authority Suspension/Exclusion Guidelines for Headteachers of Maintained Schools, Pupil Referral Services and Academies

FIXED TERM (FTS) up to and including 5 days in one term Use Model Letter 1	FIXED TERM (FTS) of more than 5 days and up to 15 days in one term (cumulatively) Use Model Letter 2	FIXED TERM (FTS) of more than 15 days in one term and no more than 45 days in school year (cumulatively) Use Model Letter 3	PERMANENT (PEX) Use Model Letter 4 NB: <u>The headteacher can withdraw an exclusion prior to the Governors meeting</u>
<ul style="list-style-type: none"> • Immediately contact parents or carers to inform them of the type, length and reason(s) for suspension/exclusion • Use the appropriate model letter (see above) to inform (in writing) parents or carers of the suspension/exclusion and their right to make representations to the Governing Body PDC • Make arrangements for setting and marking work for the first 5 days of any suspension/exclusion and inform parents of this • Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable. 			
<ul style="list-style-type: none"> • Inform LA of the suspension/exclusion within one school day (for statutory monitoring purposes) completing form EX1/FT and forwarding along with a copy of the letter sent to parents to exclusions@northyorks.gov.uk • Update local suspension database (for internal school use) • Make arrangements for a re-integration meeting to plan how future behaviour will be managed • In the case of a permanent exclusion, please see ‘Pupil Disciplinary Meeting Checklist’ document 		<ul style="list-style-type: none"> • Inform LA (and Home LA if not North Yorkshire) of the exclusion (for statutory monitoring purposes) completing form EX1/P within one school day to ensure 6th day provision can be arranged in line with statutory timescales • Make a referral to the Early Help Service for support for the family (ideally with parental consent, though this is not necessary) 	
<ul style="list-style-type: none"> • Ensure all statements and other documentation (including from parents/carers) together with a list of participants is available and circulated before any PDC meeting to all who will be attending (including parents/carers, the PDC, the LA and the pupil, if attending) • Following the meeting, comply with PDC decision to either uphold the suspension/exclusion or else reinstate the pupil immediately (or on a specific date) 			
<ul style="list-style-type: none"> • Arrange suitable full time education from the 6th day • If two suspensions run consecutively and total more than 5 days the school MUST provide full time education from the 6th day 		<ul style="list-style-type: none"> • Maintain the excluded pupil on the school roll until any legal process has completed (i.e. the deadline has passed for a parental appeal to an Independent Review Panel) 	
<p>Please note the following key information from the Statutory Guidance:</p> <ul style="list-style-type: none"> • Letters may need to be translated into other languages where the parents/carers first language is not English • Where a suspension/exclusion would result in a pupil missing a public examination or national curriculum test, the PDC must, so far as is reasonably practicable, consider the suspension/exclusion before the date of the examination or test. If it is not practicable for a sufficient number of governors to convene before the examination or test, the chair of governors, in the case of a maintained school may consider the suspension/exclusion alone • A child in the care of the LA (or in voluntary care) should not be suspended/excluded without considering alternative options for supporting the pupil and discussion with the LA to ensure suitable alternative full –time provision from Day 1 • At all stages of the process, the range of interventions available to the school to meet the needs of the pupil must be considered before resorting to suspension/exclusion • Suspended/Excluded pupils should be enabled and encouraged to participate at all stages of the process, taking into account their age and understanding • Pupils aged 18 or over have the right to represent themselves instead of parent/carer • Any decision to suspend/exclude must be made in line with the principles of administrative law i.e. that it is lawful, rational, reasonable, fair and proportionate 			

- Governors should not interpret a parental acceptance of full-time education off-site as signalling agreement with the Headteacher’s decision to suspend/exclude

Appendix 2 – NYCC Checklist

Managing the suspension/exclusion process: CHECKLIST – 04/2023

Please use this checklist alongside the DfE guidance and the LA suspension/exclusion summaries for Headteachers and Governors

Pre suspension/exclusion: ask the LA for advice and, if in any doubt, consider fixed term suspension pending further consideration, maintaining the right to issue a permanent exclusion if further evidence comes to light

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Organisation following the suspension/exclusion – again, contact LA with any queries

- Immediate notification to parents/carers – type, length, reasons for suspension/exclusion (use model letters provided) – **if the child has a Social Worker or is LAC then you MUST now contact their Social Worker and/or Virtual School Head**
- Notification to Local Authority use appropriate notification form – within 1 school day or immediate if permanent
- Refer to Locality Hub and/or Inclusion Panel if permanent exclusion or notify Home LA if not North Yorkshire
- Refer to Early Help Service to support family through the process (permanent exclusions only – Parental consent not required)
- If EHCP, contact the assigned caseworker to initiate an interim review (for both permanent exclusions and fixed-term suspensions)
- Carry out any on-going investigations – adult and pupil witnesses, suspended/excluded pupil statement, parental/carer viewpoint
- Offer the parents/carers access to the Team Around the Family (TAF) process
- Make arrangements for setting and marking work for the first 5 days of the suspension/exclusion
- Make arrangements for educational provision from day 6 – if fixed term (LA arranges when permanent) – inform parents
- Notify clerk to governors and check that they are up to speed with their role: ‘Clerking A Pupil Discipline Committee’ (doc)
- Notify governors & arrange meeting of Pupil Discipline Committee (3), pupil, parents/carers, LA* - mutually convenient time
- Produce Headteacher report & gather all relevant documentation. Send this to the LA so a Statement of Case can be produced
- Circulate documentation, with agenda and list of those attending 5 school days prior to meeting – paper copies to parents
- Encourage suspended/excluded pupil and parents to attend the meeting

* Academies do not have to invite LA – parents and school can request LA representation at meeting, speak if panel requests

Documents- to be distributed - all parties must receive the same information

- History of Challenging Behaviour (only if persistently disruptive behaviour – if the incident is a one-off this should not be included unless it can be shown that it is relevant to the incident)**
- Record or plan of current provision/interventions/strategies/targets: IPM, IEP, or Risk Assessment
- Record and impact assessment of provision over time
- Incident/response/rewards log
- Whole school provision map for SEMH (including behaviour)

Records/reports related to the incident/suspension/exclusion

- Headteacher’s report – reason for the suspension/exclusion and the case behind this
- Statement from the suspended/excluded student, signed and dated, with Locality Hub Keyworker/Early Help support if necessary
- Witness statements from staff and students, LA pro forma available (if good reason for doing so, student versions can be anonymised prior to circulation, with signed, dated versions kept on file - may be required at Independent Review Panel)
- Local Authority Statement of Case – the suspension/exclusion and how it relates to the guidance

Policies (or sections of policies) - as relevant to the specific suspension/exclusion/student

- E.g. Behaviour/suspension/exclusion, SEND, Anti-bullying, Drugs, Restrictive Physical Intervention, Single Equalities Scheme

On the day – most of this is for the clerk and governors to organise

- Arrange the room so that the pupil and parents do not feel intimidated
- Have a spare set of papers available in case family do not bring their set to the meeting
- Allow reading time for any papers that have not been circulated prior to the meeting
- Only the governors and clerk meet prior to the start of the meeting – everyone else remains outside the room
- Allow time for parents to arrive if they are not present at the start – try to contact to remind/check attendance (clerk)
- Introduction by the Chair – stick to the agenda with clerk taking notes
- Encourage pupil to contribute to the meeting
- All leave the room, except clerk, whilst governors deliberate and come to their decision
- Outcome can be fed back at the time **and**/or via written notification – same day or second working day if posted
- If upheld, the letter of notification must advise on the parents' right to request an independent review of the decision plus right to request for an SEN expert to be present at the Independent Review Panel for a Permanent exclusion

Appendix 3 Letters of notification

NOTIFICATION OF EXCLUSION OF A REGISTERED PUPIL "PERMANENT"

To : Exclusions Admin, CYPS, County Hall, Northallerton, North Yorkshire, DL7 8AE

From : The School DfES No:

PUPIL DETAILS

- Name of pupil DoB Gender M/F
Year Group Date of admission to school UPN
- Ethnic Group (Please tick appropriate box)

White		Tick	Asian or Asian British		Tick
British	WBRI		Indian	AIND	
Irish	WIRI		Pakistani	APKN	
Traveller of Irish Heritage	WIRT		Bangladeshi	ABAN	
Gypsy/Roma	WROM		Any other Asian background	AOTH	
Any other white background	WOTH		Black or Black British		
Mixed/Dual Background			Caribbean	BCRB	
White and Black Caribbean	MWBC		African	BAFR	
White and Black African	MWBA		Any other Black background	BOTH	
White and Asian	MWAS		Any other ethnic group		
Any other mixed background	MOTH		Any other ethnic group	OOTH	
Chinese			<i>Refused</i>	REFU	
Chinese	CHNE		Information not yet obtained	NOBT	

Travellers Family - Yes/No* **Looked after - Yes/No*** **Service child - Yes/No*** **Eligible to Free School Meals – Yes/No***

- Home address.....
- Name of Parent/Guardian Tel
- Parents e-mail address if known.....
- Name of Foster Parent/Social Services Officer (where appropriate)
- Address (if different from above)
- Any previous suspension this academic year

THIS TYPE OF EXCLUSION IS PERMANENT

- This pupil was excluded from school on at
- The effect of this exclusion will be to cause:

* the pupil to lose an opportunity to take a public examination on/between

- The reason for the pupil's exclusion is: (Please use appropriate code See appendix 10)
(More than one code may be appropriate but (Please show primary code first)

- This pupil is/ is not* on the School's Special Needs Register:-
School Support (K) - Yes/No* **EHCP - Yes/No* If yes please see note below** (Please mark as appropriate)

Please attach copies of the following or indicate whether to follow

the letter informing the parent(s), (which was sent by post/hand of the pupil/other means*)

- Details of arrangement for setting and marking work. This information needs to be available to parent/carer, LA and all members of governing body pupil disciplinary sub-committee meeting.

Signed: Headteacher Date:
* Please delete as appropriate

- PLEASE ENSURE THAT THE SCHOOL MAKES A REFERRAL TO THE EARLY HELP TEAM FOR SUPPORT FOR THE FAMILY
FOR CHILDREN WITH AN EHCP CONSIDERATION OF AN EMERGENCY REVIEW OF THE EHCP SHOULD BE CONSIDERED BEFORE PERMANENT EXCLUS

NB – Children in Care should not be excluded without discussion with the LA and suitable alternative provision from Day 1.

NOTIFICATION OF SUSPENSION OF A REGISTERED PUPIL "FIXED TERM"

To : Exclusions Admin, CYPS, County Hall, Northallerton, North Yorkshire, DL7 8AE

From : The School DfES No:

PUPIL DETAILS

8. Name of pupil DoB Gender M/F
 Year Group Date of admission to school UPN

9. Ethnic Group (Please tick appropriate box)

White		Tick	Asian or Asian British		Tick
British	WBRI		Indian	AIND	
Irish	WIRI		Pakistani	APKN	
Traveller of Irish Heritage	WIRT		Bangladeshi	ABAN	
Gypsy/Roma	WROM		Any other Asian background	AOTH	
Any other white background	WOTH		Black or Black British		
Mixed/Dual Background			Caribbean	BCRB	
White and Black Caribbean	MWBC		African	BAFR	
White and Black African	MWBA		Any other Black background	BOTH	
White and Asian	MWAS		Any other ethnic group		
Any other mixed background	MOTH		Any other ethnic group	OOTH	
Chinese			<i>Refused</i>	REFU	
Chinese	CHNE		Information not yet obtained	NOBT	

Travellers Family - Yes/No* **Looked after - Yes/No*** **Service child - Yes/No*** **Eligible to Free School Meals – Yes/No***

Home address.....

10. Name of Parent/Guardian Tel

Parents e-mail address if known.....

11. Name of Foster Parent/Social Services Officer (where appropriate)

12. Address (if different from above)

13. Any previous suspension this academic year

THIS TYPE OF SUSPENSION IS FIXED TERM

14. This pupil was suspended from school on at for a period of days and may return to school on

IF THE SUSPENSION IS FOR 6 OR MORE DAYS (not including lunchtime suspensions)

15. Is transport required to alternative provision YES/NO

16. Can the young person access public transport to alternative provision (i.e. bus/train) YES/NO

17. The effect of this suspension will be to cause:

- * the young person to have been suspended for more than fifteen days this term (**PDC meeting required**)
- * the pupil to lose an opportunity to take a public examination on/between

18. The reason for the pupil's suspension is: (Please use appropriate code See appendix 10)

(More than one code may be appropriate but (Please show primary code first)

19. This pupil is/ is not* on the School's Special Needs Register:-

School Support (K) - Yes/No*

EHCP - Yes/No*

(Please mark as appropriate)

Please attach copies of the following or indicate whether to follow

the letter informing the parent(s), (which was sent by post/hand of the pupil/other means*)

20. Details of arrangement for setting and marking work. This information needs to be available to parent/carer, LA and all members of governing body pupil disciplinary sub-committee meeting.

Signed: Headteacher Date:

* Please delete as appropriate

NB – Children in Care should not be suspended without discussion with the LA and suitable alternative provision from Day 1.

