



## School Governors



## Governors Newsletter

### Useful Information for Barnsley School Governors

#### Suspension and exclusion - the role of Governors

You may have seen the recent report on BBC1 Look North about the high number of pupil exclusions within Barnsley, which has resulted in Barnsley being labelled as one of the highest excluding local authorities in the country.

Department for Education figures show there were 2,586 suspensions of students at Barnsley schools during the 2022/23 autumn term - up from 1,665 across the same period the year before.

This was the highest number of any term since comparable figures began at the start of the 2016/17 academic year.

This is of obvious concern to all of us who work with schools and academies within Barnsley. This newsletter will help Governors gain a greater understanding of the procedures around suspending and excluding pupils, along with their roles and responsibilities in this process.

#### Statutory guidance on suspensions and exclusions

All maintained schools, academies, alternative provision academies, and pupil referral units (PRUs) must have regard to [statutory guidance on suspension and exclusion from the Department for Education \(DfE\)](#).

The requirements apply to all pupils, including those above and below compulsory school age.

#### Authorising and recording suspensions and exclusions

Pupils can be excluded permanently, or suspended for 1 or more fixed periods up to a maximum of 45 days per academic year. Only the headteacher or acting headteacher of a school can authorise suspensions and exclusions.

All suspensions, however short in duration, must be formally recorded.

Your school should also record, monitor and analyse data for removal (sometimes known as 'internal exclusions') data. This is where a pupil is removed from class for a limited time at the instruction of a member of staff.

## Deciding whether to exclude a pupil

A pupil should only be permanently excluded when they've breached the school's behaviour policy seriously or persistently, and where allowing them to remain in school would seriously harm the education or welfare of the pupil or others in the school.

It is illegal to exclude a pupil for non-disciplinary reasons, such as their academic ability (this is known as off-rolling).

When deciding whether to exclude a pupil, headteachers must comply with the school's responsibilities under the [Equality Act 2010](#). It is illegal to exclude a pupil simply because the school isn't able to meet their needs.

For example, if the school has not made reasonable adjustments for a pupil with a disability, which manifests into the pupil breaching school rules because their needs are not being met, your headteacher may be discriminating if they exclude them.

## Notifying relevant parties of a suspension or exclusion

On suspending or excluding a pupil, the headteacher must immediately notify:

- Parents (or the pupil if they are 18 years or older) of:
  - The period of the suspension or permanent exclusion and the reason(s) for it.
  - Their right to make representations about the suspension or permanent exclusion to the governing board, how the pupil may be involved, and how this can be done.
  - Their right to make a request to hold the meeting via the use of remote access and how and to whom to make this request:
    - The pupil's social worker (if they have one).
    - The virtual school head (VSH) if the child is looked-after.
    - The local authority (LA).

The headteacher must also notify these same parties 'without delay' if they cancel a suspension or exclusion. They must also provide all parties with the reason for the cancellation and offer parents/carers the opportunity to meet to discuss the circumstances that led to the cancellation.

The governing board must also be notified 'without delay' of:

- All permanent exclusions (including where a suspension is followed by a decision to permanently exclude the pupil).
- All suspensions which would result in the pupil being suspended 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 pupil missing a public examination or national curriculum test.
- All cancelled suspensions and exclusions (also on a termly basis as part of your school's exclusions data).

## **The governing board's responsibility in relation to suspension and exclusion**

For suspensions of more than 5 days, you must arrange suitable alternative full-time education, which must begin no later than the 6th day of the suspension. For permanent exclusions, it is the responsibility of the local authority (LA) where the pupil lives to provide alternative education.

Governing boards are legally required to consider exclusions and some suspensions. They also have the power to direct that the pupil be reinstated in certain cases. In the case of permanent exclusions, if the board decides not to reinstate the pupil, then the parents can request that it be considered by an independent review panel.

## **Governor Training**

We are putting on a Governor Development session around suspensions and exclusions on 24 April 2024. This session will provide governors with an overview and understanding of the guidance and legislation in relation to suspensions and exclusions. It will help governors understand the important role they play in ensuring that the process is correctly followed and that schools are doing all they can to prevent suspensions and exclusions. To book on this session please email: [admin-governorsservices@barnsley.gov.uk](mailto:admin-governorsservices@barnsley.gov.uk)

## **Questions for Governors to ask**

Whilst the decision to suspend or exclude a pupil is, quite rightly, that of the Headteacher, Governors should be doing everything that they can to ensure that they are made as a last resort, and that all other avenues have been fully explored. Governors should be confident that the school has correctly followed and applied its behaviour policy and has fully met its legal and statutory responsibilities before making any decision to suspend or exclude a pupil.

Below are a number of example questions which Governors can choose from to ask and determine why it was necessary for the school to suspend/exclude a pupil(s). Some of them can also be used to help Governors gain a greater understanding of what work the school is undertaking to ensure that pupils are not suspended/excluded from school:

- What work does the school undertake to ensure that suspensions and exclusions do not happen, or are kept to a minimum?
- In a case of persistent breaches, has the school attempted to identify underlying causes for the impulsive or disruptive behaviour?
- Did there appear to be a need for an Educational Psychologist assessment? If needed, was this done? If not, why?
- Has the school properly considered whether the pupil has Special Educational Needs, including social emotional mental health needs?
  - If so, has the school adequately addressed these needs through interventions and support?
  - Were these interventions tracked for effectiveness?

- Has there been a referral to Child and Adolescent Mental Health Service (CAMHS)? If so, what came of that?
- If the pupil has an EHCP, did the school make reasonable adjustments to meet the pupil's needs?
- If the pupil has an EHCP, did the school conduct an emergency annual review?
- If the pupil has an EHCP, does the school ultimately feel it can meet the pupil's needs?
- If the pupil is a Looked-After Child, has the school properly directed funding and accessed all the resources and support available from the local authority?
- If the pupil has persistence absence (15%), what steps did the school take to improve attendance?
- If the pupil is low attaining, how has this been addressed? Could it impact the pupil's behaviour in class?
- If the child is a Year 7 pupil, did school receive behaviour history from primary school and pay heed to the need for interventions? Has school allowed sufficient time for interventions to take effect?
- If there were persistent breaches, and the pupil is in Years 10 or 11, why exclude now?
- Is the behaviour policy well-publicised and clear about behaviours and the potential sanctions?
- If the decision to suspend/exclude was taken because of persistent breaches, was the headteacher confident that staff had applied the behaviour policy consistently?
- If the decision to suspend/exclude was taken because of persistent breaches, what was the tipping point that led to a permanent exclusion? Why now?
- If what occurred was a one-off incident, could the incident have been foreseen and, if so, what did the school do to prevent it?
- Was the school aware of any events at school that affected the pupil's behaviour (e.g. bullying, teasing, threats, inability to access the curriculum)?
- Was the school aware of any events outside of school that may have affected the pupil's behaviour (e.g. family breakup, bereavement, neighbourhood disputes)?
- Did the incident occur in front of other pupils?

- Was there harm/injury caused to staff during the incident? Was it intentional or negligent?
- Did the pupil show remorse? If not, is the school sure the pupil can properly express emotion and does not have flat affect issues (inability to express emotion due to trauma or mental health)?
- Why did the pupil engage in this behaviour?
  - Did they understand the consequences of the behaviour?
  - Were they provoked?
  - Did they intend the outcome?
- After admitting to the incident(s), was the pupil sorry for what happened? What have they learned?
- Were there any events or circumstances the school was not aware of that affected the pupil's behaviour, both in and out of school?
- If there were persistent breaches, was the parent aware of pupil's behaviour and were they notified of/involved in interventions to improve behaviour?