

September 2022



Suspension / Exclusions Policy

Approved: September 22

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Aims

Our school aims to ensure that:

- The exclusions process is applied fairly and consistently
- The 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 ultimate sanction for unacceptable behaviour, which is of a very serious nature, is suspension, or even permanent exclusion. In such circumstances the Governing Body and LA would be informed and the LA Procedures for suspension / exclusion from school followed.

This policy deals with the policy and practice which informs the School's decision to exclude a child or children. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

1. The first is to ensure the safety and well-being of all members of the school community, and
2. To maintain an appropriate education environment in which all can learn and succeed;

This policy is based on statutory guidance from the Department for Education: (from Sept 2022)

[Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#)

St Paul's CofE Primary School shares the government's ambition to create high standards of behaviour so that children and young people are protected from disruption and can learn and thrive in a calm, safe, and supportive environment. It follows the guidance provided to ensure that procedures around suspensions and permanent exclusions are used when appropriate and necessary.

The decision to exclude

Only the Headteacher (or, in the Headteacher's absence the Acting/Deputy Headteacher), can suspend / exclude a pupil from school. A permanent exclusion will only be taken as a last resort.

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."

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the Headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

The decision to exclude a pupil will be taken in the following circumstances:

(a) In response to a serious or persistent breaches of the school's Behaviour Policy

(b) If allowing the pupil to remain in school would seriously harm the education or welfare of other persons or the pupil him/herself in the school.

Fixed term suspension or permanent exclusion may be used for (but is not limited to) any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the school's Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to pupils
- Physical abuse to/attack on staff
- Physical abuse to/attack on pupils
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion

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This is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that suspension or exclusion is an appropriate sanction. The Headteacher will endeavour to consider / apply alternative sanctions where possible (internal isolation / alternative provision alongside a Pastoral / Behaviour Support Plan)

Internal isolation - removal of the child from their usual class-based provision and providing them an alternative space to work.

Alternative provision – arrangement for the child concerned to attend another school for an agreed period of time during which they will complete work set by the child's class teacher.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the Headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion.

Suspension / exclusion procedures

Suspensions are of a fixed term nature and are of short duration (usually between one and three days). [The DfE regulations](#) allow the Headteacher to exclude a pupil for one or more fixed periods not exceeding a total of 45 school days in any one school year. The Governors have established arrangements to review promptly all permanent exclusions from the school and all fixed term suspensions that would lead to a pupil being suspended for more than 15 days in a school term or missing a public examination.

The Governors have established arrangements to review suspensions which would lead to a pupil being excluded for more than five days but not more than 15 days in a school term where a parent has expressed a wish to make representations.

Following suspension or exclusion, parents are contacted immediately where possible. A letter will be sent by post/email/hand giving details of the suspension/exclusion and the date the suspension ends (if appropriate). Parents have a right to make representations to the Governing Body and the Local Authority as directed in the letter.

If a pupil has a social worker, or if a pupil is looked-after, the Headteacher must also notify the social worker and/or Virtual School Head without delay, as applicable.

A reintegration meeting will be held following the expiry of the suspension and this will involve a member of the Senior Management Team and other staff where appropriate. During this meeting a Pastoral Support Plan will be drawn up, which will include a review date. A referral to the LA Inclusion Team may also be made.

During the course of a suspension, where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. Records relating to suspensions and exclusions will be stored confidentially and are formally reported to the Local Authority.

It is important that during a suspension, pupils still receive their education. St Paul's CofE School will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This may include utilising any online pathways such as Google Classroom or Oak National Academy. Any work set should take account of any SEND needs the child may have

Part time timetables

A part-time timetable should not be used to manage a pupil's behaviour and must only be in place for the shortest time necessary. Any pastoral support programme or other agreement should have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehaviour including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.

2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a first or "one off" offence. These might include:

- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an Offensive Weapon (Offensive weapons are defined in the Prevention of Crime Act 1993 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him".
- Arson
- Behaviour which poses a significant risk to the child's own safety.

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The school will involve the police for any relevant offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

General factors the school considers before making a decision to suspend / exclude

Suspension / exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to exclude a pupil either permanently or suspend for a fixed period the Headteacher will:

- Ensure appropriate investigations have been carried out, which includes allowing the pupil to give her/his version of events.
- Explore the wider context, taking into consideration how much the incident may have been provoked (for example by bullying or by racial or sexual harassment).
- Consider all the evidence available to support the allegations taking into account the Behaviour Policy and Single Equality Policies
- Explore placements in alternative settings where they are available to avoid suspension (Alternative Provision)
- Explore the possibility of a managed move to another school.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he/she is alleged to have done, then suspension / exclusion will be the outcome.

Roles and responsibilities

The Headteacher

Informing parents

The Headteacher will immediately provide the parents of a suspended / excluded with the following information, in writing (either hand directly, posted to or, sent via email where parents have consented to the notice being sent in this way):

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made

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- 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 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 are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents 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 an 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.

Informing the governing board and local authority

The Headteacher will immediately notify the Local Authority (LA) of all school exclusions regardless of the length of the exclusion.

The Governing Board must be informed of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil (this is allowed only in exceptional circumstances)
- Suspensions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

For a permanent 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.

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For all other exclusions, the Headteacher will notify the governing board and LA once a term.

The Governing Board

Responsibilities regarding exclusions are delegated to the Discipline Committee consisting of at least 3 governors.

The Discipline Committee has a duty to consider the reinstatement of an excluded pupil.

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

For suspensions 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 exclusion.

The 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.

Considering the reinstatement of a pupil

The Discipline Committee will consider the reinstatement of a suspended / excluded pupil within 15 school days of receiving the notice of the suspension / exclusion if:

- The exclusion is permanent
- It is a fixed-term suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Discipline Committee will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, The Discipline Committee will consider the reinstatement of the pupil before the date of the examination. If this 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 Discipline Committee 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 Discipline Committee 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 Discipline Committee will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, decision will also include the following:

- The fact that it is permanent
- Notice of parents' 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
 - That, regardless of whether the excluded pupil has recognised SEN, parents 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 for this appointment
 - That parents must make clear if they wish for an 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 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

An independent review

If parents 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 Discipline Committee of its decision to not reinstate a pupil.

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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

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 school
- Are the Headteacher of the excluding 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 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, 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)

A clerk will be appointed to the panel.

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.

Cancelling a permanent exclusion

An exclusion that has already begun may be cancelled by the Headteacher, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the Headteacher to discuss the circumstances that led to the exclusion being cancelled;

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- Schools should report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

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 Discipline Committees' 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 board 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 (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term exclusion:

- Agreeing a behaviour contract
- Putting a pupil 'on report'
- Internal isolation
- Referral to the LA Inclusion Support Team

Monitoring arrangements

The Headteacher monitors the number of suspensions / exclusions every term and reports back to the governors (Headteacher's Report). They also liaise with the Local Authority to ensure suitable full-time education for excluded pupils.

Equality

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK (www.gov.uk), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For

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disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The Governing Board must also comply with their statutory duties in relation to pupils with Special Educational Needs and Disability (SEND) when administering the exclusion process, including using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEND and having regard to the Special Educational Need and Disability (SEND) Code of Practice.

Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child on child abuse)

St Paul's CofE School will have due regard for the guidance and requirements of [Keeping Children Safe in Education](#) in incidents where;

There is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a Governing Board Review and it is likely that there will be complex and difficult decisions that need to be made.

It is important that these decisions are made alongside a school's duty to safeguard and support children and their duty to provide an education.

St Paul's CofE School is aware of its statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils.

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Links with other policies

This policy should be read in conjunction with our

- [Behaviour Policy](#)
- [SEN Policy and Information Report](#)
- [Safeguarding and Child Protection Policy](#)