

Suspension and Permanent Exclusion Policy

adopted by

St Matthias CE Primary School



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This policy was reviewed/updated by Geraint Roberts and is Approved by The Trust annually

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Source DfE:WCC

in collaboration with



School Vision

ASPIRE, BELIEVE, ACHIEVE

‘Our school family, values us all as unique individuals and children of God.

We **aspire** to be the best version of ourselves; **believing** that through the gifts God has given us, we can make a positive contribution, flourish and **achieve** together to make a difference in our ever-changing world.’

The Spire Church of England Learning Trust

Suspension and Permanent Exclusion Policy

The school’s ‘Suspension and Permanent Exclusions policy’ operates in conjunction with other policies including the ‘Behaviour and Rewards Policy and Rewards policy’, ‘Drug, Alcohol and Substance Misuse policy’, ‘Online Safety policy’ and ‘Safeguarding and Child Protection policy’. It takes into account the Dfe document ‘Suspension and Permanent Exclusion from maintained schools, academies and pupils referral units in England, including pupil movement, guidance for maintained schools, academies and pupils referral units in England (Sept 22)

Rationale and definitions

Suspension:

Use of the term suspend in this policy is a reference to what is described in the legislation as an exclusion for a fixed period.

This policy deals with the policy and practice which informs the school’s use of suspensions and permanent exclusions. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- Ensure the safety and well-being of all members of the school community, and to maintain an appropriate calm, safe and supportive educational environment in which all can learn and succeed;
- Reduce the need to use suspend or permanently exclude as a sanction.

A suspension or permanent exclusion, within this document may be one of three types:

- Internal suspension (when a pupil is suspended from normal lessons, but remains within the school)
- Suspension – exclusion for a Fixed-Term (when a pupil is excluded from school for a set period of time)
- Permanent Exclusion (where steps are taken to permanently remove the pupil from the school)

Introduction

A suspension or permanent exclusion is an extreme sanction and will be avoided wherever possible. In the majority of cases, pupils demonstrating unacceptable behaviour will be sanctioned appropriately using the school’s ‘Positive Behaviour Strategy’ -eg using the restorative justice approach where pupils or staff involved have an open discussion around what has happened. Should a pupil need time away from their normal lessons then an internal suspension will take place, which is likely to be held in the Headteacher’s office. This means, the pupil’s work will suffer less than if they were suspended from school.

With regard to the above, the decision to recommend a pupil for a fixed-term suspension or permanent exclusion will be taken in the following circumstances:

- In response to a serious breach of the school's 'Positive Behaviour Strategy' and 'Behaviour for Learning protocols', beyond that which would result in an internal suspension and
- If allowing the pupil to remain in school would seriously harm the education, safety or welfare of the pupil or other pupils in the school.

In determining any suspension or permanent exclusion as a school we will take due consideration of the Equality Act 2010 and the SEND code of practice.

Responsibility for Suspension or Permanent Exclusion

A suspension or permanent exclusion is only administered by the Headteacher (or, in the absence of the Headteacher, the Deputy Headteacher who is acting in that role).

Causes for Exclusion

Exclusion, whether internal, fixed term suspension or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's 'Positive Behaviour Strategy':

- Actions which put the pupil or others in danger.
- Verbal abuse to staff and others
- Verbal abuse to pupils including intentional racial comments
- 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
- Possession of an illegal drug
- 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

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that a suspension or permanent exclusion is an appropriate sanction.

Alternatives to Suspensions or Permanent Exclusions

The threat of a permanent exclusion will never be used as the means to coerce parents/carers to move their child to another school. As described earlier in this document, alternative strategies to repeated fixed-term suspensions or a permanent exclusion are always used if possible. For example:

- **Pastoral Support**

Pastoral support may be necessary if a pupil's behaviour at school means that he/she: is at risk of permanent exclusion; has had a number of fixed term suspensions but their behaviour is not improving; or is behaving in ways that hinder their progress and achievement in school.

- **Managed Move (Schools to enter own arrangements)**

A 'managed move' may be resorted to in order to avoid danger of permanent exclusion. It may be used as the culmination of behaviour interventions, when no other has succeeded or, in exceptional circumstances, for a serious 'one off' incident.

Schools and other educational establishments in Worcestershire have an agreement whereby pupils may be offered the opportunity of a 'fresh start' dependant on the pupil successfully demonstrating the desire to meet the expectations of the 'receiving' institution. 'Managed moves' are arranged via the Fair Access Panel (FAP) which are convened once per half term for all participating schools.

Before a pupil application for managed move is submitted to the FAP, a meeting is arranged between the pupil, parents/carers and representative from the school as a 'managed move' can only proceed with the written agreement of all parties. If agreed, the application is made to FAP. Parents/carers should note that the pupil's attendance and behaviour records will be shared at the FAP meeting.

A 'managed move' to another primary school is offered initially as a ten week trial. If the parent/carer or pupil does not accept the 'trial' school then the managed move cannot proceed. However, in such circumstances it should be noted that a permanent exclusion may well be the result. If accepted, following an induction meeting, the pupil joins the 'receiving' school for the trial period. At the induction meeting the pupil must promise to fully abide by the rules of the school and the parents/carers promise to offer full support.

Financial support is available to provide for new uniform. If, during the trial period, the pupil fully abides by the rules of the receiving school, then a place is offered on a permanent basis. If unsuccessful, a Headteacher's panel will be convened and a second and final managed move may be agreed. In this second and final managed move is unsuccessful, a permanent exclusion will be the likely result.

- **Pupils with disabilities and Special Educational Needs (SEN) including those with Education, Health and Care Plans (EHC plans)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. This duty can, in principle, apply both to the suspensions and permanent exclusions process and to the disciplinary sanctions imposed. Under the Children and Families Act 2014, governing boards of relevant settings must use their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN, which will include any support in relation to behaviour management that they need because of their SEN. School will work with parents in a proactive way to support any pupil with additional needs.

Where school has concerns about the behaviour, or risk of suspension and permanent exclusion, of a pupil with SEN, a disability or an EHC plan it should, in partnership with others (including where relevant, the local authority), consider what additional support or alternative placement may be required. This should involve assessing the suitability of provision for a pupil's SEN or disability.

Where a pupil has an EHC plan, school will contact the local authority about any behavioural concerns at an early stage and consider requesting an early annual review prior to making the decision to suspend or permanently exclude. For those with SEN but without an EHC plan, the school will review, with external specialists as appropriate, whether the current support arrangements are appropriate and what changes may be required. This may provide a point for school to request an EHC assessment or a review of the pupil's current package of support.

- **Pupils who have a social worker, including looked-after children, and previously looked-after children**

Where a pupil has a social worker and they are at risk of suspension or permanent exclusion, the headteacher or DSL will inform their social worker, and the pupil's parents to involve them all as early as possible in relevant conversations.

Where a looked-after child (LAC) is likely to be subject to a suspension or permanent exclusion, our Designated Teacher (DT) will contact the local authority's VSH as soon as possible. The VSH, working with the DT and others, will consider what additional assessment and support need to be put in place to help the school address the factors affecting the child's behaviour and reduce the need for suspension or permanent exclusion. Where relevant, school will also engage with a child's social worker, foster carers, or children's home workers as appropriate.

All looked-after children will have a Personal Education Plan (PEP) which is part of the child's care plan or detention placement plan. This will be reviewed every term and any concerns about the pupil's behaviour will be recorded, as well as how the pupil is being supported to improve their behaviour and reduce the likelihood of exclusion. Monitoring of PEPs is an effective way for VSHs to be involved.

- **Use of alternative provision including PRU placement**

The school has the power to send a pupil to another education provider to modify and improve their behaviour. The objectives of the provision, days/times of attendance and duration of provision will be clearly set out from the start of the process. The pupil's attendance and progress at the alternative provider will be regularly reviewed to ensure that the placement is achieving its objectives and the pupil is benefitting from it.

The pupil will be re-integrated back into the host school once he/she has modified and improved their behaviour so that they can conform to the school's 'Positive Behaviour Strategy'. The school will have regard to all of the statutory guidance set out in the 'Alternative Provision Statutory guidance for local authorities (June 2016)' document.

Exclusion procedures

The school follows the legislation and statutory guidance in the current Statutory Suspension and Permanent Exclusions Guidance (<https://www.gov.uk/government/publications/school-exclusion>):

- the Headteacher's duty to inform parents or carers about a suspension or permanent exclusion
- the Headteachers duty to inform any social workers or Virtual School Headteacher if the pupil is looked-after
- the Governing Board's duties to arrange education for suspended or permanently excluded pupils
- the Governing Board's duty to consider a suspension or permanent exclusion
- the Governing Board's duty to remove a permanently excluded pupil's name from the school register
- the Governing Board's duty to arrange an independent review panel
- the Governing Board's duty to reconsider reinstatement following a review
- the statutory guidance to the Headteacher and Governing Board on police involvement and parallel criminal processing.

When a decision has been made to suspend or permanently exclude a pupil, the school will, without delay, let parents/carers know the type of exclusion and the reason(s) for it. This will be followed, subsequently by a letter with the following information:

- the reason(s) for the exclusion;
- the length of the exclusion;
- the parents'/carers' right to put forward their case about the exclusion to the governing board, how they should go about doing this and how the pupil can be involved; and
- when relevant, what alternative provision will be provided from the sixth day of a fixed-period exclusion.

Internal Suspension

An Internal Suspension will be implemented for a misdemeanour of sufficient seriousness as to warrant a pupil being removed from lessons, but not so serious as to warrant removal from school. As stated above, all efforts will be made to keep the pupil in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to Fixed-Term suspension or Permanent Exclusions.

Pupils who are internally suspended will be set work, with a priority on English, maths and science. They are not allowed to take their break or lunchtime with other pupils, but will be given a separate and comparable break and lunchtime and be supervised by senior leaders.

Parents will be involved and informed every step of the way to avoid further need for internal suspensions. Adaptations and alternative strategies will be trialled to ensure that needs are being met however should the breach of the Positive Behaviour Strategy continue then fixed term suspensions will be considered.

Fixed-Term Suspension

A Fixed Term Suspension is of short duration and may be necessary if a pupil repeatedly disrupts the safe, calm educational environment in which pupils can learn and thrive or commits an offence which is considered so serious, that it would not be appropriate to place him/her in an internal suspension area.

In the case of Fixed-Term Suspension, the Department for Education allows the Headteacher to exclude a pupil for one or more fixed periods not exceeding 45 school days in a single academic year. The Fixed-

Term suspension does not have to be for a continuous period. The suspension can also be for parts of the school day for example if a pupil's behaviour at lunchtime is disruptive, the pupil may be suspended from the school premises for the duration of the lunchtime period.

Pupils on fixed term suspension will be forbidden from attending school, or being in the vicinity of school for the term of their suspension. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is suspended and ensure that they are not in a public place without good reason during school hours within the first five school days of any suspension. If they do not, they may be prosecuted or receive a penalty notice from the local authority.

Parents/carers must also ensure that their child attends the suitable full time education provided by the governing body or the local authority from the sixth day of exclusion.

Support will be provided for pupils during the suspension, for example by the provision of work and/or arrangement of alternative provision. It is the responsibility of parents/carers to return work to school to be marked. For pupils with an additional educational need the work will be matched appropriately to either their SEND need or Education or Health and Care Plan (EHCP) or as identified by their SEN Support status in line with the Code of Practice.

Following an internal suspension or fixed-term suspension, parents/carers are invited into school to attend a re-integration meeting. Failure to attend may make it more likely that the court will impose a parenting order if the school or local authority apply for one.

At the meeting, the pupil will be offered a fresh start; a discussion to help them understand the impact of the behaviour on themselves and others; discuss how to meet the high expectations of behaviour in line with the Positive Behaviour Strategy; regain a renewed sense of belonging within the school community; and build engagement with learning through specific goals in order to help him/her avoid the behaviour that led to the suspension. Where necessary, support may be gained through a multi-agency approach to identify any SEND or health needs as appropriate.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a pupil's life chances. Permanent exclusions will only be resorted to in response to:

- a serious breach or persistent breaches of the school's Positive Behaviour Strategy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the other pupil or others such as staff or pupils in the school.

Exercise of discretion

In reaching a decision on a fixed-term suspension or permanent exclusion, the Headteacher will apply the civil standard of proof i.e., 'on the balance of probabilities' it is more likely than not that a fact is true, rather than the criminal standard of 'beyond reasonable doubt.' This means that the Head teacher should accept that something happened if it is more likely that it happened than that it did not happen) and always look at each case on its own merits.

A pupil's behaviour outside school can be considered grounds for suspension or permanent exclusions. Any decision of a headteacher, for this suspension or permanent exclusion must be made in line with the principles of administrative law (ie that is is:lawful (with respect to the legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair; and proportionate.

Headteachers will also take into account the pupil's views, reasonable adjustments for pupils with SEND or emotional/ trauma, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. The headteacher will inform the pupil of how their views have been factored into any decision made. Where relevant, the pupil should be given support to express their view, including through advocates such as parents or social worker if they have one.

Before deciding the Headteacher will ensure that:

- appropriate investigations have been carried out.
- all evidence available to support the allegations have been collated, taking into account the school's 'Positive Behaviour Strategy', and 'Equality Policy'.
- the pupil has been allowed to give her/his version of events.
- there is no evidence which may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that, on the balance of probabilities, the pupil did what he/she is alleged to have done, a suspension or permanent exclusion will be the outcome. In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider:

- the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the 'Positive Behaviour Strategy.'
- the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion and possibly involve the Police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the governors' pupil discipline committee when it meets to consider the Headteacher's decision to permanently exclude. This committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to permanent exclusion.

The school will inform parents/carers immediately by phone call when the decision has been taken to seek permanent exclusion for a pupil. This will be followed, subsequently by a letter in which the terms of the exclusion are set out. Parents/Carers are also informed of their rights regarding an appeal of the terms of the exclusion.

Behaviour outside school

Pupil behaviour outside school on school "business" for example trips, travelling to and from school, away school sports fixtures or residential visits is subject to the school's 'Positive Behaviour Strategy' Poor behaviour in these circumstances will be dealt with as if it had taken place in school. Serious

infringements of the school's 'Positive Behaviour Strategy' that occur 'outside of' the school may lead to a fixed term suspensions or permanent exclusion.

Drug related exclusions

In making a decision on whether or not to exclude for a drug-related offence the Headteacher will have regard to the school's 'Drug, Alcohol and Substance Misuse policy'. The decision will depend on the precise circumstances of the case and the evidence available. In some cases fixed term suspension will be more appropriate than permanent exclusion. The Headteacher will make a judgment set against the criteria in the school's 'Drug, Alcohol and Substance Misuse policy'.

Review of Exclusions

The senior leadership team along with the governing body review and evaluate the use of exclusions to ensure their effectiveness.

Advice for parents/carers

- Within the Dfe guidance [Suspension and Permanent Exclusion document](#) part five: the Headteacher's duty to inform parents/carers/ parties about an exclusion holds specific information regarding suspensions or permanent exclusions including support services and contacts Page 26- 29.
- There are a number of national organisations that provide free information, support and advice to parents/carers on exclusion matters. For example:
 - Coram Children's Legal Centre. They can be contacted on 0300 330 5485 or through <https://childlawadvice.org.uk/information-pages/school-exclusion/>. The advice line is open on Mondays to Fridays from 8am to 6pm.
 - ACE education. They can be contacted on 03000 115 142 Monday to Wednesday 10am to 1pm or at enquiries@ace-ed.org.uk. Please check their website at <http://www.ace-ed.org.uk>.
 - The National Autistic Society School Exclusion Service (England) can be contacted on 0808 800 4002 or at schoolexclusions@nas.org.uk. Information can also be found on their website at <https://www.autism.org.uk/>
 - Independent Parental Special Education Advice <http://www.ipsea.org.uk/>
- There are also some local services who can provide advice and guidance. For example:
 - Special Educational Needs and Disabilities Information, Advice and Support Service- SENDIASS (formerly the parent partnership service). They can be contacted on 01905 768153 or at www.SENDworcestershires.gov.uk or sendiass@worcestershires.gov.uk. They also have a national website at <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>
 - Worcestershire Gypsy Roma Traveller Education Team. They can be contacted on 01905 846045 or at GRT@worcschildrenfirst.org.uk