

WOODLANDS PRIMARY SCHOOL



SUSPENSION & PERMANENT EXCLUSION POLICY

Updated: September 2023
Review Date: September 2024

Rationale

This policy is written using the DFE guidelines around Suspensions and Permanent Exclusions (<https://www.gov.uk/government/publications/school-exclusion> Sept 2022)

This policy deals with the policy and practice for Woodlands Primary School which informs the school's use of suspensions and permanent exclusion. 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 to maintain an appropriate education environment in which all can learn and succeed;
2. The second is to realise the aim of reducing the need to use exclusion as a sanction.

Our school aims to ensure that:

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

Definitions:

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'

Off-site direction – when a Governing Board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour

Parent – any person who has parental responsibility and any person who has care of the pupil

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Introduction

A decision to suspend a pupil or permanently exclude a pupil is seen as a last resort by the school. The school is responsible for communicating to pupils, parents and staff its expectations of standards of conduct behaviour. A range of policies and procedures are in place to promote good behaviour and appropriate conduct eg Behaviour for Learning Policy

A decision to suspend or permanently exclude a pupil will be taken in the following circumstances:

- (a) In response to a serious breach of the School's Behaviour for Learning Policy

(b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

No suspension or permanent exclusion will be initiated without first exhausting other strategies or, in the case of a serious single incident, a thorough investigation. In such cases the Headteacher or in their absence, a member of SLT, will investigate the incident thoroughly and consider all evidence to support the allegation, taking account of the school's policies and sometimes with reference to the school's behaviour database (CPOMs). The pupil will be encouraged to give his/her version of events and the Headteacher or dealing member of SLT will check whether the incident may have been provoked, for example by bullying or racial harassment. If necessary, the Headteacher or member of SLT will consult other pupils and staff.

Legal Framework

This policy has due regard to the related statutory legislation including, but not limited to, the following:

- The Education Act 2002, as amended by The Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- The Education Act 1996
- 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
- The Equality Act 2010

This policy also has due regard to statutory and non-statutory guidance, including, but not limited to, the following:

- DfE (2022) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2017) 'Exclusion from maintained schools, academies and pupil referral units in England'
- DfE (2016) 'Behaviour and discipline in schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- [New] DfE (2018) 'Mental health and behaviour in schools'

This policy will be implemented in conjunction with the following school policies and procedures:

- Behaviour Policy
- Statement on Bullying Policy
- Special Educational Needs and Disability (SEND) Policy
- Safeguarding Policy

Exclusion is an extreme sanction and will only be sanctioned by the Headteacher, or the Deputy Headteacher in the Headteacher's absence or a member of SLT if the Headteacher and Deputy Headteacher are both absent.

Suspension

A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that should be set out within a school's behaviour policy. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. 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. Where suspensions are becoming a regular occurrence for a pupil, headteachers and schools should consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

It is important that during a suspension, pupils still receive their education. The Headteacher will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This will include utilising any online pathways such as Google Classroom or the use of materials from Oak National Academy. The school's legal duties to pupils with disabilities or SEN remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.

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.

At Woodlands Primary School we recognise that the law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension

Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend school (unless the pupil is reinstated). The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of the school's behaviour policy; and
- where 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.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

Cancelling exclusions

The headteacher can cancel any exclusion that has already begun (or one that has not yet begun), but this can only happen when the governing board has not yet met to consider whether the pupil should be reinstated.

Where an exclusion is cancelled:

- The headteacher will notify the parents, the governing board, the LA and the pupil's social worker and VSH as applicable, without delay and the notification will also provide the reason for the cancellation;

- The governing board's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement

- Parents (or the excluded pupil if they are 18 years or older) will be offered the opportunity to meet the headteacher to discuss the circumstances that led to the exclusion being cancelled which will be arranged without delay;
- The pupil will be allowed back into the school from which they were excluded without delay.
- Any days spent out of school as a result of any exclusion, prior to the cancellation will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

Setting a clear process for exclusions

The headteacher will consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the maximum 45 days permitted in a school year out of school due to exclusion, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker and VSH (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- providing up to date links to sources of impartial advice for parents;
- reintegrating pupils whose suspensions have ended or been cancelled and pupils whose permanent exclusions have been cancelled and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days

Grounds for Exclusion

Suspension, whether fixed term or permanent exclusion, may be used for any of the following, all of which constitute examples of unacceptable conduct:

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult

- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability
- Indecent behaviour (physical or language)
- Damage to property (school or that belonging to a pupil or staff member)
- Misuse of (including supplying, selling or taking or sharing with pupils) illegal drugs (or legal drugs)
- Misuse of other substances (including selling or taking or sharing with pupils)
- Theft
- Carrying an offensive weapon (knives, guns, clubs, explosives)
- 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 will make the judgement that suspension or permanent exclusion is an appropriate sanction.

Off-rolling

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 pupil 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 exclusions procedures to ensure that every pupil receives an education in a safe and caring environment.

Preventative measures to avoid suspension or permanent exclusion

School staff are expected to follow the Behaviour Policy. In addition to the strategies set out in the policy (guided by the DfE Behaviour in Schools Document) the Headteacher will also consider the following:

- A) An off-site direction (a temporary measure that maintained schools can use)
- B) A managed move (permanent measures) as a preventative measure to prevent permanent exclusion

Off-site direction will only be considered as a way to improve future behaviour and will not be used as a sanction or punishment for past misconduct. Off-site direction will only be used where in-school interventions and/or outreach support has been unsuccessful or deemed inappropriate. Any time spent in off-site direction will be planned carefully in collaboration with the AP provider and reviewed regularly by the Governing Body and will remain for as long as the requirement remains in effect. Any review meetings must be planned at least 6 days in advance and all parties involved must be invited eg parents, LA (if pupil has an EHCP), school representatives and other service providers if required (eg pupil's social worker, CAMHs etc).

The governing body must give written notification of decision as to whether continue the placement in AP and if so, for what period of time, including the reasons why, no later than 6 days after the date of the review meeting. To support the pupil returning to the original school, the focus of intervention whilst off-site should remain on ensuring the pupil continues to receive a broad and balanced curriculum whilst any inappropriate behaviours which require intervention are addressed. If a pupil with SEN has been moved off-site the duties under the Equality Act 2010 and the Children and Families Act 2014 will continue to apply. For any off-site directions the length of time the pupil spends in another mainstream setting or AP will depend on what best supports the pupil's needs and potential improvement in behaviour.

A managed move will be used to initiate a process that leads to the transfer of a pupil to another mainstream school permanently. Managed moves will be voluntary and agreed with all parties involved. If the pupil has an EHCP the statutory duties will apply in the new school/LA. A managed move will be offered as part of a planned intervention and school will provide evidence that appropriate initial intervention has been carried out including, where relevant, multi-agency support or any statutory assessments that were done or explored prior to a managed move. All information and risk assessments will be shared with the receiving school. The receiving school should ensure the pupil is provided with an effective integration strategy.

Suspension Procedure

The Headteacher or a member of SLT in the Headteacher's absence has a duty to inform parents of any suspension or permanent exclusion. The Headteacher must also inform the governing body, social workers where appropriate and virtual school heads (where appropriate). The Headteacher/SLT member must also inform the local authority of any suspensions and/or permanent exclusions

Most suspensions are of a fixed term nature and are of short duration (usually between one and five days).

The DfE regulations allow the Headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year, or permanently exclude a pupil.

The governors have established arrangements to review promptly all suspensions or permanent exclusions from Woodlands Primary School and all fixed term suspensions that would lead to a pupil being excluded for over 15 days in a school term or missing a public examination.

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

Following the decision to suspend a pupil, parents will be contacted immediately (where possible). A letter will be sent by post (or be given by hand to parents on collection of the pupil) giving details of the suspension and the date the suspension ends. Parents have a right to make representations to the governing body as directed in the letter.

A reintegration interview will be held following the expiry of the fixed term suspension and this will involve a member of the Senior Management Team (SLT) and other staff where appropriate.

During the course of a fixed term 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.

Work will be provided for the pupil to complete during the time of their suspension either via Google Classroom or paper copies of work will be provided should parents request this. For a suspension of more than 5 school days the governing board must arrange suitable full-time education for any pupil of compulsory age. For permanent exclusion the local authority must arrange suitable full-time education for the pupil to begin from the 6th day after the 1st day the permanent exclusion took place.

Reintegration after a suspension or off-site direction

Woodlands Primary School will support pupils to reintegrate successfully into school life and full-time education following a suspension (this may also be after a cancelled exclusion) or period of off-site direction. We will design a reintegration strategy that offers the pupil a fresh start; helps them understand the effect of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy will be discussed and communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. At Woodlands Primary School reintegration meetings will include the pupil's parents. A pupil will not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

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:

- 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.
- 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 193 as “any article made or adapted for causing injury to the person; or intended by the person having it with them for such use by them”.
- arson

The school will consider police involvement for any of the above offences. These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and wellbeing of the school.

For permanent exclusion, the local authority is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion.

General factors the Headteacher will consider before making a decision to suspend or permanently exclude

Suspension or permanent 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 suspend a pupil either permanently or for a fixed period (suspension) the Headteacher will:

- ensure appropriate investigations have been carried out;
- consider all the evidence available to support the allegations taking into account the behaviour for learning policy, Equal opportunity and Race Equality Policies;
- allow the pupil to give her/his version of events;
- check whether 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 they are alleged to have done, suspension or permanent exclusion will be the outcome.

If the Headteacher decides to suspend or permanently exclude a pupil, they will:

- ensure that there is sufficient recorded evidence to support the decision
- explain the decision to the pupil
- contact the parents, explain the decision and ask that the pupil be collected from school
- send a letter to the parents confirming the reasons for the suspension/permanent exclusion, the length of the suspension and any terms or conditions agreed for the pupil's return
- inform the governing board
- inform social workers and VSH
- inform the local authority
- plan how to address the pupil's needs on his/her return (suspension)
- ensure governors must meet within 6 to 15 days of receiving notice of the permanent exclusion and must decide whether or not to uphold it;
- ensure parents are invited to make representations to that meeting, if they so wish, but even if they do not, the meeting must take place;
- ensure the governors can uphold or overturn the suspension, but they cannot increase the length of a suspension;
- update SIMS;

- ensure that, where the governors uphold a permanent exclusion, the parent has the right to appeal to the Independent Appeal Panel within 15 school days of receiving written notification of the governors' decision.

Considering the reinstatement of a pupil

The governing board will consider the reinstatement of a suspended pupil within 15 school days of receiving the notice of the suspension if:

- the suspension 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 days 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 governing board will consider the reinstatement of an suspended 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.

The governing board can either:

- decline to reinstate the pupil
- direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, they will consider whether the suspension was lawful, reasonable and procedurally fair and whether the head teacher 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 board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, within 2 working days.

Where a suspension is permanent (permanent exclusion) the 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
- 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 Trustees 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

Independent review panel (IRP)

The LA will review the governing board's decision not to reinstate a permanently excluded pupil, if the parents submit their application for this within the required time frame.

The LA will constitute an independent review panel of three or five members that represent the following categories:

- A lay member to chair the panel. This individual will not have worked in any school in a paid capacity
- A current or former school governor who has served for at least 12 consecutive months in the last five years.
- A headteacher or individual who has been a headteacher within the last five years.

Parents are required to submit their applications within

- 15 school days of the governing board's notification of their decision
- 15 school days of the final determination of a discriminatory claim made under the Equality Act 2010.

Any application made outside of this timeframe will not be reviewed. Parents are able to request an independent panel review even if they did not make a case to, or attend, the governing board's initial consideration of the exclusion. The LA will adhere to all statutory guidelines when conducting an independent panel review, as outlined in the DfE's statutory guidance document 'Exclusion from maintained schools, academies and pupil referral units in England' 2017.

Requests for remote access meetings for governing board meetings or IRPs

Parents can request a meeting to be held via the use of remote access but this should not be a default option. Governing boards or arranging authorities must hold the meeting via the use of remote access, if the request has been made correctly as set out in the headteacher's written notification or the governing board's written notification to the parents that they can request an IRP. Holding meetings via remote access must only be done if governing boards or arranging authorities are satisfied that the meeting is capable of being held fairly and transparently.

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 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.

With regards to exclusion legislation and procedures - eg template letters, communication, reporting and recording, appeals, dates etc, the school follows Dfe and CWAC guidance.

Document: DfE September 2022 Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement
<https://www.gov.uk/government/publications/school-exclusion>