



# **Suspension and Permanent Exclusion** **Policy**

<b>Written by</b>	<b>Approved by</b>	<b>Status</b>	<b>Last Review</b>	<b>Next Review</b>
JHOS	Trustees	Pending	February 2025	February 2027



## Principles and aim

It is the aim of the academy to keep all pupils in school. However, there may be occasions when fixed term suspension or permanent exclusion may be necessary.

This policy deals with the procedures and practice when excluding a pupil from school and is linked to the Academy's Behaviour Policy.

This policy follows the DfE Statutory Guidance document on suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Academies and Pupil Referral Units.

### Reasons for an exclusion

Exclusion is an extreme sanction and can only administered by the Headteacher or, in the absence of the Headteacher, the Deputy Headteacher for disciplinary reasons.

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

1. An inability of a pupil to comply with the School Behaviour Policy (Fixed Term Exclusion);
2. 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.

Exclusion, whether fixed term (or permanent) may be used for any of the following, all of which constitute examples of unacceptable conduct and are in breach of the Academy's Behaviour Policy:

Physical assault against a pupil/adult
Verbal abuse/threatening behaviour against a pupil/adult
Racist or Homophobic Abuse
Drugs/Alcohol/Tobacco
Sexual Misconduct
Theft (or attempted)
Persistent Disruptive Behaviour
Bullying
Damage



An offensive weapon or an object used offensively
Unacceptable behaviour which has been previously reported and for which support and sanctions have not been successful in modifying behaviour.

Please note: This list produced by the local authority is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate sanction. Before deciding to exclude a pupil, the Headteacher will:

- Ensure that the decision is lawful, rational, reasonable, fair and proportionate; • Consider the nature and context of the event;
- Ensure that a thorough investigation has been correctly carried out;
- Ensure that all the relevant evidence has been carefully considered e.g. witness statements;
  - Allow the pupil to give his/her written account of events. If necessary, a scribe could be used;
  - Consider the pupil's previous conduct in school, age and any mitigating circumstances e.g. provocation, bullying, bereavement;
- Ensure that under the Equality Act 2010 pupils are not being discriminated against, harassed or victimised because of sex; race; disability; religion or belief; sexual orientation; pregnancy; or gender reassignment;
- Ensure that any reasonable adjustments are made for SEND pupils in line with the SEN Code of Practice;
- Consider the impact of an exclusion on any vulnerable pupils e.g. Looked After Children, pupils with Education and Health Care (EHC) Plans;
- Consult with Deputy Headteacher (Care and conduct) and head of year

When establishing the facts in relation to an exclusion decision 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 Headteacher should accept that something happened if it is more likely that it happened than that it did not happen.

Excluded pupils will be encouraged to take part in the exclusion process given their age and ability to understand. Taking into account age and ability to understand, pupils or parents will be made aware of their right to attend and participate in trustee board meetings and the pupil can make a representation on their own behalf if they wish to do so.

The Headteacher need not postpone taking a decision on an exclusion solely because a police investigation is underway and/or any criminal proceedings may be brought. In such circumstances, the Headteacher will need to take a decision on the evidence available to them at the time. Where the evidence is limited by a police investigation or criminal proceedings, the Headteacher should consider any additional steps they may need to take to ensure that the decision to exclude is fair. However, the final decision on whether to exclude is for the Headteacher to make.



### **Fixed term suspensions**

A fixed term suspension is where a pupil is temporarily removed from school for a breach of the School Behaviour Policy.

Only the Headteacher is allowed to suspend a pupil for one or more fixed term periods, not exceeding 45 school days in any one year.

For a fixed-period exclusion of more than five school days, the school will arrange suitable full-time education for pupils of compulsory school age. This provision will begin no later than the sixth school day of the exclusion. This also applies to consecutive fixed term exclusions totally more than 5 days.

#### **Informing parents**

- The school will endeavour to contact parents by telephone, giving basic information, the period(s) of the exclusion and the reasons for it.
- A letter will be sent to parents as soon as possible and should include the following information:
  - The period of the exclusion;
  - The reason(s) for the exclusion;
  - The name of the person parents should contact to make representations;
  - Where relevant, what alternative provision will be provided from the 6th day of a fixed-period exclusion;
  - Arrangements of setting work and marking work (if appropriate) for the first 5 days of the exclusion;
  - The days on which parents must ensure that the pupil is not present in a public place at any time during school hours. These days would be the first five school days of an exclusion. Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted;
  - Parents' right to see and have a copy of his or her child's school record, upon written request to the school;
  - Parents' right to make representations to the Governors' Pupil Discipline Committee (see section on governor involvement);
  - Contact details of the Local Authority Pupil Reintegration Officer: (01522 554525 and [Pupil reintegration team – The pupil reintegration team - Lincolnshire County Council](#));
  - A signpost to where parents can access a copy of the DfE Guidance on Exclusions <https://www.gov.uk/government/publications/school-exclusions-guide-for-parents>
  - <http://www.childrenslegalcentre.com> and source impartial advice such as the Coram Children's Legal Centre [School exclusion - childlawadvice.org.uk](http://www.childrenslegalcentre.com) ([www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)), ACE Education [www.ace-ed.org.uk](http://www.ace-ed.org.uk) who can be contacted on 03000 115 142 Monday to Wednesday from 10 am to 1 pm during term time);



- Where considered relevant by the Headteacher, links to local services, such as Traveller Education Services, the Information Advice and Support Services Network (formerly known as the local parent partnership <https://councilfordisabledchildren.org.uk/information-advice-and-support-services-network/about>), the National Autistic Society (NAS) School Exclusion Service (England) (0808 800 4002 or [school\\_exclusions@nas.org.uk](mailto:school_exclusions@nas.org.uk)), or Independent Parental Special Education Advice (<http://www.ipsea.org.uk/>).

The Headteacher or Deputy Headteacher, will meet with the pupil before they return to the academy to discuss reintegration and any further strategies/support which may be appropriate e.g. monitoring report, mentoring, support from agencies, Pastoral Support Plan. Parents will be invited to this meeting.

### **Notifying the local authority**

The school should complete Form EXC1 and email it to the Pupil Reintegration Team within five school days of the fixed term exclusion ([prt@lincolnshire.gov.uk](mailto:prt@lincolnshire.gov.uk)).

### **Permanent exclusion**

The decision to exclude a pupil permanently is a serious one. It should only be used as a last resort in response to a serious breach or persistent breaches of the School Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school (DfE Statutory Guidance).

Persistent breaches of the School Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

In addition to the previous sections on 'Reasons for Exclusion' and 'Before deciding to exclude a pupil the Headteacher will...', the Headteacher will consider whether:

- There are any unmet learning needs;
- Early intervention to address the disruptive behaviour including SEND support (if appropriate) has been provided;
- Any multi-agency support (if appropriate) has been provided;
- Any reasonable adjustments have been made to ensure there is no discrimination under the Equality Act 2010; · Any additional support has been provided;
- An alternative placement has been offered

Serious Breach of the School Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

There may be exceptional circumstances where it is not appropriate to implement other support strategies and where it may be appropriate to permanently exclude a pupil for a first or 'one off'



offence which is a serious breach of the School Behaviour Policy and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school

In addition to the previous sections on 'Reasons for Exclusion' and 'Before deciding to exclude a pupil the Headteacher will...' the Headteacher will:

- Where practical, give pupils an opportunity to present their case before taking the decision to exclude;
- Have taken account of any contributing factors that are identified after the incident of poor behaviour has occurred. For example, when it comes to light that a pupil has suffered bereavement, has mental health issues or has been subject to bullying;
- Follow the School Drugs Policy (for drugs' misuse);
- Have considered the pupil transferring to another school as part of a managed move with the consent of all parties involved including parents.

Pupils who are Looked After will not be permanently excluded without referral to the Virtual School and the Director of Children's Services.

Pupils with Education, Health Care plans or SEN Statements may have an emergency review meeting before being permanently excluded.

The procedure for fixed term exclusion with the exception that the letter sent to parents should also state:

- That the local authority have responsibility for educating the pupil from the 6th day of the permanent exclusion not the school;
- The latest date by which the trustee body must meet to consider the pupil's reinstatement.
  - Parents' right to attend the meeting and to bring a friend

### **Trustee Involvement**

The Headteacher should inform the trustee body immediately of a permanent exclusion. A Pupil Discipline Committee has delegated authority to consider exclusions and a meeting must be convened within 15 school days of receiving notice of a permanent exclusion. The parents (with a representative or friend) and Headteacher must be invited to the meeting and be allowed to make representations. The excluded pupil should be encouraged to attend or feed in their views to the meeting. Parents may invite a representative from the local authority to attend as an observer. The local authority representative may only make representations with the trustee body's consent. After considering the representations, trustees can either decline to reinstate the pupil and uphold the school decision to permanently exclude or direct the reinstatement of the pupil immediately or on a particular date. The trustee body must without delay write to parents, the Headteacher and Local Authority with its decision and the reasons for it.

If trustees uphold the decision by the school to permanently exclude, parents can appeal to an Independent Review Body (IRP) who are required to hear the case within 15 school days of the parents receiving notice of the trustees decision. Parents have the right for a SEND expert to attend.



The IRP can decide to uphold the trustees decision; recommend that the trustees reconsider reinstatement; or quash the decision and direct that the governors reconsider reinstatement.

Where the IRP recommends or directs the trustee body reconsiders its decision, the trustee body must reconvene within 10 school days. If trustees do not reinstate the pupil following a direction to reconsider, the school can be fined.

### **Notifying the local authority**

The Headteacher should complete the Initial Notification to Permanently Exclude form and email it to the Pupil Reintegration Team ([prt@lincolnshire.gov.uk](mailto:prt@lincolnshire.gov.uk)) as soon as the decision to permanently exclude is made. Form EXC3 form should be completed and emailed to the Pupil Reintegration Team within one day of the permanent exclusion.