



**USWORTH COLLIERY
PRIMARY SCHOOL**

Exclusions Policy

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Chair of Governors: Alison Logan

Approved by:

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**Next review due
by:** September 2026

This policy has been updated in accordance with the document: *“Suspension and Permanent Exclusion from Maintained Schools, Academies, and Pupil Referral Units in England, Including Pupil Movement: Guidance for Maintained Schools, Academies, and Pupil Referral Units in England” (DfE, September 2023).*

Rationale

This policy is a critical component of Usworth Colliery Primary School’s Behaviour Policy and outlines the framework for suspensions and exclusions. This policy serves as a framework to maintain a safe, respectful, and conducive learning environment for all students. The rationale behind such a policy is grounded in the following professional considerations:

- **Promoting Positive Behaviour and Safety:** The primary objective of our exclusion policy is to ensure that the school environment is safe and supportive for all students and staff. By establishing clear boundaries and consequences for severe behavioural issues, the policy acts as a deterrent against disruptive or harmful behaviour.
- **Protecting the Learning Environment:** Persistent or severe misbehaviour can disrupt the educational process for other students. This exclusion policy provides a means to manage extreme cases where a student’s behaviour significantly impedes the learning of others, allowing the school to focus on providing a high-quality educational experience for all.
- **Safeguarding the Well-being of Students and Staff:** The policy helps protect the physical and emotional well-being of students and staff by addressing behaviours that could lead to harm, such as aggression or violence. It ensures that appropriate actions are taken when behaviour poses a risk to others.
- **Ensuring Consistency and Fairness:** An exclusion policy provides a structured approach to managing behaviour, ensuring that all students are treated fairly and consistently. It outlines the steps for exclusion, ensuring that decisions are made transparently and are supported by appropriate evidence and documentation.
- **Encouraging Positive Reintegration:** While our exclusion policy provides a framework for managing behaviour, it should also focus on supporting the student’s reintegration into the school community. This includes implementing strategies to address underlying issues, such as individualized support plans, counselling, and collaboration with parents and external agencies.
- **Legal Compliance and Accountability:** Our exclusion policy ensures that the school’s actions align with legal requirements and educational guidelines. It provides a clear procedure for exclusions, including criteria, decision-making processes, and appeals, ensuring the school meets its duty of care and maintains accountability.

Our Aims

Our aim is clear: to ensure the safety and well-being of every member of the school community while fostering an educational atmosphere where all students, including those with Special Educational Needs and Disabilities (SEND), can thrive and achieve their full potential. By prioritizing the inclusion of all learners, we aim to maintain an educational

environment where every child feels safe, valued, cared for and empowered to aspire and succeed.

Pupils with SEND

We recognise that pupils with SEND may face unique challenges that require tailored approaches.

Therefore, we are dedicated to:

- Implementing early intervention strategies to address behavioural concerns, providing additional support before considering exclusion.
- Engaging in thorough assessments to understand the needs of pupils with SEND and to determine whether their behaviour is a manifestation of their educational needs.
- Ensuring that any decision regarding suspension or exclusion is fair and proportionate, taking into account the individual circumstances and additional support required by these pupils.

Usworth Colliery Primary School is committed to a supportive, inclusive approach to exclusion. Our policy is designed to ensure that exclusions are only used as a last resort when other interventions and support strategies have been exhausted. We are committed to using restorative practices, targeted interventions, and multi-agency collaboration to address underlying issues that may affect a pupil's behaviour, including SEND, thereby promoting their holistic development and reducing the need for exclusion.

Where exclusion is deemed necessary, we follow a transparent and legally compliant process, ensuring that the rights of pupils and parents are respected. We also place a strong emphasis on planning for reintegration and providing addition, restorative support to help pupils successfully re-engage with their learning and school community.

Exclusion Policy and Legal Framework

Our school's behaviour and exclusion policies is committed to fostering an inclusive and supportive environment that prioritizes the educational, emotional, and social development of all pupils. In line with this commitment, our approach to managing behaviour and exclusions is guided by the following legal and statutory frameworks:

- **Section 51A of the Education Act 2002**, as amended by the **Education and Inspections Act 2006**, which establishes the legal grounds for school exclusions.
- **The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012**, which outline the procedures for exclusions and review processes.
- **The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007**, which ensure that pupils who are excluded from school receive appropriate full-time education.
- **The Department for Education's statutory guidance: "Suspension and Permanent Exclusion from Maintained Schools, Academies, and Pupil Referral Units in England, including Pupil Movement" (2022)**. This guidance sets out the roles and responsibilities of headteachers, governing bodies, and local authorities in managing exclusions fairly and effectively.

Suspensions and Exclusions

The Headteacher has the authority to suspend or permanently exclude a pupil on disciplinary grounds. This decision may also take into account the pupil's behaviour outside of school where such conduct is considered relevant to maintaining the standards of behaviour expected within the school community.

- A pupil may be suspended for one or more fixed periods, not exceeding a total of 45 school days within a single academic year, or may be permanently excluded. In exceptional circumstances, typically when new evidence becomes available, a fixed-period suspension may be followed by an additional suspension or a subsequent decision to permanently exclude the pupil. However, it is unlawful to impose a fixed-period suspension for an indefinite duration.
- A suspension does not need to be served continuously. For instance, if a pupil attends multiple schools, the suspension may be applied only on the days the pupil attends the school where the incident occurred. Additionally, a suspension can cover part of the school day. For example, if a pupil's behaviour is disruptive during lunchtime, they may be suspended from the school premises specifically for the duration of the lunchtime period. All legal requirements related to suspensions, including the Headteacher's duty to inform parents, apply in every case. Lunchtime suspensions are considered equivalent to half a school day for statistical purposes and in determining whether the threshold is met for a governing body meeting.

Grounds for Suspension or Exclusion

Suspension (fixed-term exclusion) or permanent exclusion may be considered for the following, which constitute examples of unacceptable conduct and violations of the Behaviour Policy:

- Repeated instances of unacceptable behaviour that have previously been addressed through school sanctions and other interventions, without a successful improvement in the pupil's behaviour.
- Verbal or physical abuse directed towards other pupils or school staff.
- Aggressive behaviour towards other pupils that could result in physical or emotional harm.
- Indecent or inappropriate behaviour.

This list is not exhaustive, and the Headteacher may decide that suspension or exclusion is an appropriate response to other serious incidents.

Educational Provision during Suspension

When a pupil is suspended for more than five consecutive days, the Governing Body has a duty to arrange suitable full-time education from the sixth day of the suspension. For suspensions of up to five days, work will be provided for the pupil to complete at home. This work should be returned daily by the parent or carer for assessment and feedback by the class teacher. From the sixth day onwards, the pupil will be able to access full-time education at an alternative setting, which will be arranged as necessary.

Communication with Parents

Following a suspension, parents will be contacted immediately, where possible. A formal letter will also be sent by post (or delivered in person) providing details of the suspension, including its duration and the date of return. The letter will include information on parents' rights to make representations to the Governing Body and the Local Authority.

A **Return to School Meeting** will be scheduled following the conclusion of the suspension. This meeting will involve a member of the Senior Leadership Team and other relevant staff to discuss the reintegration of the pupil.

Parental Responsibilities during Suspension

During the suspension period, parents are advised that the pupil must not be present on school premises and that daytime supervision is their responsibility. Pupils should not be seen in public places during school hours while under suspension. Educational work will be provided by the class teacher, and parents are expected to support the pupil in completing this work at home.

Permanent Exclusion

The decision to permanently exclude a student is a significant and serious action. Permanent exclusion may be considered in two primary circumstances:

1. **Final Step in a Disciplinary Process:** Permanent exclusion may serve as the final, formal step in a systematic approach to addressing disciplinary offences, following the unsuccessful implementation of a wide range of other strategies. This approach recognizes that all available interventions have been exhausted and should only be used as a last resort. Such situations may involve persistent and defiant misbehaviour, including acts of bullying, which encompasses racist or homophobic bullying.
2. **Commission of a Serious Criminal Act:** In cases where a serious criminal offence has been committed, the school will involve law enforcement authorities in accordance with legal protocols.

Factors Considered Prior to Permanent Exclusion

Permanent exclusion will not be enacted immediately unless there is an imminent threat to the safety of others in the school community or to the student in question. Before making a decision regarding permanent exclusion or a fixed-period suspension, the Headteacher will undertake the following:

- Ensure that appropriate investigations have been conducted.
- Consider all evidence available to support the allegations, in alignment with school policies, and confirm that relevant agencies (such as Pupil Referral Units) have been involved.
- Provide the student with an opportunity to present their version of events.
- Assess whether the incident may have been provoked.

If the Headteacher concludes, based on the balance of probabilities, that the student engaged in the alleged behaviour, a suspension or permanent exclusion will be the determined outcome.

Legal Rationale

Any decision made by a school, including exclusions or suspensions, must comply with the principles of administrative law to ensure that it is justifiable and defensible. This means that the decision must be:

1. **Lawful:** The decision must be in accordance with legislation related to exclusions, as well as the school's broader legal obligations. This includes adhering to relevant laws such as the Equality Act 2010 and the European Convention on Human Rights, ensuring that the school respects students' rights and upholds anti-discrimination standards.
1. **Rational:** The decision should be based on logical reasoning and supported by clear evidence. It must take into account all relevant facts and circumstances to demonstrate that the exclusion is the appropriate course of action.

2. **Reasonable:** The decision must reflect a reasonable response to the behaviour in question. It should consider the severity of the incident, the context, and any mitigating factors, ensuring that it is a measured and balanced decision.
3. **Fair:** The process must be conducted impartially, with the student and their parents being given an opportunity to present their views. All parties should be treated equitably throughout the decision-making process.
4. **Proportionate:** The exclusion should be proportionate to the behaviour, ensuring that it is not overly harsh or lenient. This means considering less severe sanctions before deciding to exclude a student, ensuring the response is appropriate for the circumstances.

Further Guidance

For additional information and guidance, please refer to the following document:

“Suspension and Permanent Exclusion from Maintained Schools, Academies, and Pupil Referral Units in England, Including Pupil Movement: Guidance for Maintained Schools, Academies, and Pupil Referral Units in England” (September 2023).

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Agreed Date:

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Review Date: Annually

Signed:.....
 Head Teacher

Signed:
 Chair of Governors

Date:

Date: