



**Kirkby la Thorpe  
Church of England Primary Academy**

<b>Policy Title</b>	Suspension & Exclusion
<b>Governance Function Area</b>	Academic Performance
<b>Date reviewed/amended</b>	October 2023
<b>Date for next review and frequency</b>	Biennially or in light of statutory changes



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Church of England Primary Academy**

**Suspension and Exclusion Policy**

## **1. Purpose**

It is the aim of our school to provide an inclusive education where each pupil is valued and achieves to the best of his/her ability. However, occasions may occur whereby suspensions or permanent exclusions are required 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. This policy outlines the procedures and practice when excluding a pupil from school and is linked to our Behaviour and Discipline Policy.

## **2. Scope**

This policy should be read in conjunction with the following policies:

- Behaviour and Discipline;
- SEND; and
- Equality Statement.

## **3. Policy**

Suspension or exclusion is an extreme sanction and can only administered by the Headteacher for disciplinary grounds.

As outlined in 'The Lincolnshire Ladder of Behavioural Intervention' statutory guidance on suspension or permanent exclusion is very clear:

"Permanent exclusion should only be used as a last resort, in response to a serious breach, or persistent breaches; and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school." (p.4)

A pupil may be suspended from school 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.

However, where suspensions are becoming a regular occurrence for a pupil there should be consideration as to whether suspension alone is an effective sanction for the pupil and rather, what additional strategies need to be put in place to address behaviour and the underlying factors that are causing the behaviour.

A decision to exclude a pupil permanently should only be taken when absolutely necessary and as a last resort:

- in response to serious 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.

The guidance outlined in the Lincolnshire Ladder of Behavioural Interventions will be followed in the first instance, as a means of ensuring that exclusion is the last resort.

Exclusion, whether suspension or permanent, may be used for any of the following, all of which constitute examples of unacceptable conduct and are in breach of the school's Behaviour and Discipline Policy:

- Verbal abuse/threatening behaviour against a pupil/adult;
- Physical assault against a pupil/adult;
- Racist or homophobic abuse;
- Indecent behaviour;
- Sexual abuse or assault;
- Damage to property;
- Theft;
- Persistent Disruptive Behaviour;
- Bullying;
- An offensive weapon or an object used offensively; and/or
- 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.

Before deciding to suspend or 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, use a scribe;
- 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 others, being careful not to involve anyone who may have a role in any statutory review of his or her decision, for example, members of the Governing Body;
- 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.

Suspended/excluded pupils will be encouraged to take part in the process given their age and ability to understand.

### **Fixed term suspension**

A fixed term suspension is where a pupil is temporarily removed from school for a breach of the school's Behaviour Policy and Discipline policy. Only the Headteacher (or Senior Teacher in the Headteacher's absence) is allowed to suspend a pupil for one or more fixed term periods, not exceeding 45 school days in any one year.

Generally, fixed term suspensions will be for one to three days. No suspension/exclusion will be given for an unspecified period of time.

Where a student has received multiple suspensions or is approaching the legal limit of 45 days the Headteacher will consider whether exclusion is providing an effective sanction.

### **Procedures following a fixed term suspension**

- The Headteacher will ensure that the parent/carer is informed, by telephone, of the suspension and the reasons for it.
- The Headteacher will inform the parent/carer, in writing, of the period of the suspension and the reasons for it (Appendix 1, 2 and 3). During this process, the school will ensure that the parent/carer is informed of their duties in the first five days. Every effort will be made by the Headteacher to ensure that parents/carers understand the content of any written communication, taking into consideration learning needs and circumstances in which English may not be their first language;
- The Headteacher will ensure that a copy of the letter and any supporting paperwork is submitted to the relevant Local Authority (Appendix 4);
- Where the suspension is for a period of between one and five days, the school will take reasonable steps to set work and arrange for it to be marked;
- Where a pupil is given a suspension of six school days or longer, the school will arrange suitable alternative educational provision from and including the sixth day;
- During the period of suspension, the school will consider strategies to address the pupil's problems and identify any support that may be necessary to promote a successful reintegration;
- The parent/carer has the right to make representations about the exclusion to the Governing Body Disciplinary Group;
- Should any parent/carer refuse to comply with the terms of a suspension, the school may notify Social Services and the police if, in the Headteacher's view, the pupil or any other person may be at risk as a result of a failure to meet the terms of the exclusion.

### **Governor involvement**

- For fixed term suspensions of up to 5 days in a term the Governing Body must be notified and consider any representations made by parents/carers, but it cannot make the school reinstate the pupil and is not required to meet the parents.
- Where a pupil receives a fixed term suspension for more than five but less than 15 school days in the term, if the parents/carers make representations, the Governing Body must consider within 50 school days of receiving the notice of exclusion whether the excluded pupil should be reinstated. In the absence of any representations from the parents/carers, the Governing Body is not required to meet and cannot direct the reinstatement of the pupil.

- The Governing Body must consider the reinstatement of a suspended pupil within 15 school days of receiving notice of the suspension if it is a fixed-period exclusion which would bring the pupil's total number of school days of exclusion to more than 15 in a term or it would result in a pupil missing a National Curriculum test.

Appendix 5 outlines the Governing Body's duties with regard to a headteacher's suspension decision.

### Lunchtime exclusions

Pupils whose behaviour at lunchtime is disruptive may be excluded from the school premises for the duration of the lunchtime period. Any lunchtime exclusion will be treated in the same way as any other fixed term exclusion and parents/carers will be informed in the same way. Lunchtime exclusions are treated as a half day for reporting purposes. Any pupil entitled to a free school meal will be offered a packed lunch.

### Reintegration

A reintegration meeting with parents/carers will be held during or following the expiry of all fixed term suspensions. The pupil should normally attend all or part of the meeting.

Upon return from fixed term suspension, a Pastoral Support Plan will be discussed, agreed and signed by the pupil, parents/carers, and the school. This will identify the issues leading to the suspension and outline a clear set of expectations for a smooth and successful reintegration. A range of additional strategies and resources to support the reintegration process may be identified. To facilitate this, a copy of the Pastoral Support Plan will be shared with any relevant members of the school personnel.

A fixed term suspension will not be extended because a meeting with parents/carers cannot be arranged, nor because a parent/carer refuses to sign a Pastoral Support Plan. In the event that a meeting with parents/carers cannot be arranged, the meeting will still be held with the student and an appropriate adult. The school will keep a record if parents/carers fail to attend and any reason given.

### 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. 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).
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies, or where it could be appropriate to permanently exclude a pupil for a first or 'one off' offence. The school will involve the police for any relevant offences.

In addition to the previous information provided regarding fixed term suspensions, the Headteacher will also consider whether:

- there are any unmet learning needs and SEND support has been sought;
- the Ladder of Intervention has been fully implemented;

- 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;
- **there has been a serious breach of the school's Behaviour and Discipline 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's Behaviour and Discipline 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 the case of such an exceptional circumstance the headteacher will:

- where practical and appropriate, 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 that a pupil has suffered bereavement, has mental health issues or has been subject to bullying;
- have considered the pupil transferring to another school as part of a managed move with the consent of all parties involved including parents/carers.

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 may have an emergency review meeting before being permanently excluded.

#### Procedures following an exclusion

Appendices 6 and 7 outline the letters that should be sent to parents/carers as a result of the decision to permanently exclude a pupil. In addition, the Headteacher will, without delay, notify the Governing Body and the Local Authority of the decision to permanently exclude a student, including the reason for the exclusion (Appendix 8).

#### Governor Involvement

The Headteacher should inform the Governing Body immediately of a permanent exclusion. A Pupil Discipline Group 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/carers (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/carers may invite a representative from the local authority to attend as an observer. The Local Education Authority representative may only make representations with the Governing Body's consent.

After considering the representations, governors 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 Governing Body must without delay write to parents, the Headteacher and Local Education Authority with its decision and the reasons for it.

If Governors uphold the decision by the school to permanently exclude, parents/carers can appeal to an Independent Review Body (IRP) who are required to hear the case within 15 school days of the parents/carers receiving notice of the governors' decision. Parents/carers have the right for an SEND expert to attend. The IRP can decide to uphold the governors' decision; recommend that the governors reconsider reinstatement; or quash the decision and direct that the governors reconsider reinstatement.

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

## 4. References

- Education Act 1996
- Education Act 2002
- Education and Inspections Act 2006
- The Education (Provision of Full-Time Education for Excluded Pupils) (England) Regulations 2007
- Equality Act 2010
- The School Discipline (Pupil Exclusions and Reviews) (England) (Amendment and Transitional Provision) Regulations 2023
- The European Convention on Human Rights (ECHR)

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

- DfE (2023) 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement'
- DfE (2022) 'Behaviour in Schools'
- DfE (2015) 'Special educational needs and disability code of practice: 0 to 25 years'
- DfE (2018) 'Mental health and behaviour in schools'