

# ALDER COPPICE PRIMARY SCHOOL



*Achievement through Commitment*

## Suspension & Exclusion Policy

Policy for the Attention of			
<b>Audience</b>	<b>Key Audience</b>	<b>Optional Audience</b>	<b>Additional/Notes</b>
Senior Leadership Team	✓		
Teachers	✓		
Teaching Assistants	✓		
Administrative Staff	✓		
Curriculum Support	✓		
Lunchtime Supervisors	✓		
Site Manager	✓		
Cleaners	✓		
Governors	✓		
Parents	✓		
Website	✓		
Local Authority		✓	

## Introduction

*“Good discipline in schools is essential to ensure that all pupils can benefit from the opportunities provided by education. The Government supports Headteachers in using exclusion as a sanction, where it is appropriate.”*

*(DfE exclusion for maintained schools – 2012)*

In serious cases, where children present a safety risk to either themselves or other children, or where children have constantly disobeyed School rules this may result in either:

- Suspension or
- Permanent exclusion

## Aims

Our School aims to

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe
- Ensure all suspensions and exclusions are carried out lawfully

## Note on Off-Rolling

This is the practice of removing a pupil from the School Roll without a formal, permanent exclusion or by encouraging a parent to remove their child 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 will not suspend or exclude pupils unlawfully by removing them from the School Roll in this way.

## What are Exclusions?

Only the Headteacher has the legal power to exclude a child. At Alder Coppice Primary School the Deputy Headteacher, acting in the Headteacher's absence, and with his authority may also suspend or exclude a child.

The decision to suspend or exclude a child will be taken

- ❖ In response to a serious breach of the School's Behaviour Policy and expectations
- ❖ Persistent breaches of the School's Behaviour Policy and expectations
- ❖ If allowing the pupil to remain in school would seriously harm the education and/or welfare of the pupil or others in the School.

A pupil may also be excluded due to their behaviour outside school, if the behaviour may bring the School into disrepute and/or if the pupil was in school uniform and is, therefore, identifiable as a member of our school community.

Exclusion is a very serious course of action and taken only on necessary disciplinary grounds.

## Types of Exclusion

### ***Suspension***

Suspension means that a child is not allowed to attend school for a specified period, with a date given for his/her return.

Headteachers may suspend a pupil for up to 45 school days in any school year.

### ***Lunchtime Exclusion***

Lunchtime exclusion means that a child cannot attend school for a lunchtime. Each lunchtime exclusion counts as if they were excluded for half a day, although the child is allowed to attend the afternoon session. A child can be excluded for up to 45 days in a school year.

### ***Permanent Exclusion***

This means that a child can no longer attend the School and his/her name will be removed from the School Roll.

For permanent exclusions, the Local Authority will arrange suitable full-time education to begin no later than the sixth school day after the first day of the exclusion.

For pupils who are LAC or have social workers, the LA and the School will work together to arrange suitable full-time education to begin from the first day of the exclusion.

## Reasons for Suspension

A suspension, where a pupil is temporarily removed from the School, is an essential behaviour management tool, set out in the School's Behaviour Policy. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in an 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.

During a suspension the pupil will still receive education provision through work set by the School. This may be in the form of work given in booklets, online via remote learning, email, or through Oak National Academy.

The law does not allow for extending or "converting" a suspension into a permanent exclusion.

The following are examples where suspension may be used as a sanction:

- ❖ Failure to comply with an instruction given by a senior member of staff;
- ❖ Persistent failure to follow the School's Respect and Responsibility Code;
  - ❖ Persistent defiance or disruption;
  - ❖ Denying others access to learning;
- ❖ Repeated or severe sexist, homophobic or racist bullying;
  - ❖ Repeated or severe bullying, including cyber bullying;
    - ❖ Social Media abuse;
    - ❖ A serious assault/fight;
- ❖ Persistent failure to follow the Alder Coppice Uniform and Property Policy;
  - ❖ Breaches of health and safety rules;

- ❖ Deliberate serious damage to school property;
- ❖ Serious breaches of the School's Computing/Internet Acceptable Use Policy;
- ❖ Possession of illegal substances and/or alcohol related items/offences;
  - ❖ Sexual misconduct;
- ❖ Making a false allegation against a member of staff;
  - ❖ Theft.
- ❖ Where a child's behaviour outside of school may bring the reputation of the School into disrepute

### Reasons for Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school. Reasonable steps will be taken to ensure that work is set and marked on return for pupils during the first 5 school days where the pupil is not attending alternative provision

These may include

- ❖ 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 a School's Behaviour Policy
  - ❖ Supplying an illegal drug on school grounds
  - ❖ Use of or under the influence of an illegal drug
    - ❖ Bullying
    - ❖ Racist Abuse
- ❖ Abuse against sexual orientation or gender reassignment
  - ❖ Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive.

### Decision to Exclude

When establishing the facts in relation to a 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 Headteacher will accept that something happened if it is more likely that it happened than it did not happen. (*Pg 11 DFE Guidance on Suspension and Exclusion*).

### Safeguarding

In applying the exclusion process the School will be mindful of the statutory duty to make arrangements for safeguarding and promoting the welfare of pupils. The School will, therefore, follow the safeguarding principles in Keeping Children Safe in Education.

In reaching a decision to suspend or exclude the Headteacher will not only consider the child concerned, but also the effect of the pupil remaining in school would have on the safety, welfare and well-being of other pupils and staff.

## **Cancelling Exclusions**

The Headteacher may cancel an exclusion that has already begun, but this will only be done where it has not yet been reviewed by the Governing Board. Where an exclusion is cancelled the Headteacher will inform all relevant parties and discuss with the parents concerned the reason for the exclusion being cancelled and the child concerned will be allowed to return to school.

## **Interventions and Alternatives to Suspension**

Pupils and incidents are dealt with on an individual personalised basis, and sometimes the School will, where appropriate, offer alternatives to try and avoid suspension and exclusion.

As an inclusive school, we will, wherever possible, look to provide additional support for a child, where this will help support the needs of the individual child and is compatible with safeguarding all parties and does not compromise the right of other children to learn and the right of teachers to teach.

This may include

- ❖ Additional support from an adult
- ❖ Variation in learning provision
- ❖ Focus Report Card
- ❖ Support from the Pastoral Support Mentor
- ❖ Time in another classroom
- ❖ Time away from their peers
- ❖ Referral to outside agencies for additional support
- ❖ Consideration of an EHCP
- ❖ A managed move to another mainstream educational setting
- ❖ Consideration of an alternative specialist educational setting
- ❖ Alternative Provision

## **Support following a Suspension**

Appropriate support will be offered to the returning pupil and their family, which may include a re-integration meeting prior to the child re-starting at the end of their period of suspension.

In some cases, it may be appropriate for further support to be provided for pupils following suspension and these may include some of the options in the interventions and alternatives to suspension listed above.

## **Considering the reinstatement of a pupil**

The Governors' Pupil Discipline Committee will consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of days out of school to more than 15 in a term; or
- It would result in a pupil missing a public exam or National Curriculum test

Where the pupil has been suspended, and the suspension does not bring the pupil's total number of days of suspension to more than 5 in a term the Governors' Pupil Discipline Committee must consider any representations made by parents. However, it is not required to arrange a meeting with parents and it cannot direct the Headteacher to reinstate the pupil.

Where the pupil has been suspended for more than 5 days, but less than 16 days, in a single term, and the parents make representations to the board, the Governors' Pupil Discipline Committee will consider and decide on the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension. If the parents do not make representations, the board is not required to meet and it cannot direct the Headteacher to reinstate the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public exam or National Curriculum test, the Governors' Pupil Discipline Committee will, as far as reasonably practicable, consider and decide on the reinstatement of the pupil before the date of the exam or test. If this is not practicable, the Chair of the Governing Board (or the vice-chair, if necessary) may consider the suspension or permanent exclusion and decide whether or not to reinstate the pupil.

The Governing Board will try to arrange the meeting within the statutory time limits set out above and must try to have it at a time that suits all relevant parties. However, its decision will not be invalid simply on the grounds that it was not made within these time limits.

The Governors' Pupil Discipline Committee can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date (except in cases where the board cannot do this – see earlier in this section)

In reaching a decision, the Governors' Pupil Discipline Committee] will consider:

- Whether the decision to suspend or permanently exclude was lawful, reasonable, and procedurally fair
- Whether the Headteacher followed their legal duties
- The welfare and safeguarding of the pupil and their peers
- The welfare and safeguarding of pupils and staff
- Any evidence that was presented to the Governing Board

They will decide whether or not a fact is true 'on the balance of probabilities'.

Minutes will be taken of the meeting, and a record kept of the evidence that was considered. The outcome will also be recorded on the pupil's educational record, and copies of relevant papers will be kept with this record.

The Governors' Pupil Discipline Committee will notify, in writing, the following stakeholders of its decision, along with reasons for its decision, without delay:

- The parents, or the pupil, if they are 18 or older
- The Headteacher
- The pupil's social worker, if they have one
- The appropriate link person, if the pupil is looked after
- The Local Authority
- The pupil's home Authority, if it differs from the School's Local Authority

Where an exclusion is permanent and the Governors' Pupil Discipline Committee has decided not to reinstate the pupil, the notification of decision will also include the following:

- The fact that it is a permanent exclusion
- 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 (15 school days from the date on which notice in writing of the governing board's decision is given to parents)
- The name and address to which an application for a review and any written evidence should be submitted
- That any application should set out the grounds on which it is being made and that, where appropriate, it should include reference to how the pupil's special educational needs (SEN) are considered to be relevant to the permanent exclusion
- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the Local Authority to appoint an SEN expert to advise the review panel
- 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 permanent exclusion has occurred as a result of unlawful 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. Also that any 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

## Appendix 1 - Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out parental responsibility for excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'
- 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](#)
- [Children and Families Act 2014](#)

## Appendix 2 - 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 child.

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.