

Suspension and Permanent Exclusion Policy

White Spire School



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by:

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1. Rationale

This policy, deals with the policy and practice, 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:

2. Aims

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment.

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 and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

A note on 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 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 directing them off site, or not allowing pupils to attend school:
- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support
- Due to poor academic performance
- Because they haven't met a specific condition, such as attending a reintegration meeting
- exerting undue influence on a parent to encourage them to remove their child from the school

3. Roles and Responsibilities

The decision suspend or permanently exclude a student will be taken in the following circumstances:-

(a) In response to a serious breach of the School's Behaviour Policy.

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

Suspension or permanent exclusion is an extreme sanction and is only administered by the Headteacher (or, in the absence of the Head, the Deputy Head/most senior person leading the incident will contact the Head. If the Head is not available to be contacted, she/he will delegate the responsibility for that period of time of absence).

Suspension or permanent exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct, and are infringements of the School's Behaviour Policy:

- Verbal abuse to staff and others
- Verbal abuse to students
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon
- Arson
- Verbal abuse or threatening behaviour against a pupil/staff
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
 - Abuse against sexual orientation or gender reassignment
 - Abuse relating to disability
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the student's behaviour.

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

4. Informing parents

If a pupil is at risk of suspension or exclusion the headteacher/ member of SLT will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay via letter:

- The reason(s) for the suspension or exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents (or the pupil if they are 18 years old) have a right to attend the meeting, be represented at the meeting (at their own expense) and to bring a friend

The headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- Parents may be given a fixed penalty notice or prosecuted if they fail to do this

If alternative provision is being arranged, the following information will be included, if possible:

- The start date for any provision of full-time education that has been arranged
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant
- The address at which the provision will take place
- Any information the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have the all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and no later than 48 hours before the provision is due to start.

The only exception to this is where alternative provision is to be provided before the sixth day of a suspension or permanent exclusion, in which case White Spire School reserves the right to provide the information with less than 48 hours' notice, with parents' consent

5. Informing the local authority (LA)

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

6. Informing the pupil's social worker and/or virtual school head (VSH)

If a:

- Pupil with a social worker is at risk of suspension or permanent exclusion, the headteacher/DSL will inform the social worker as early as possible
- Pupil who is a looked-after child (LAC) is at risk of suspension or exclusion, the headteacher/ DSL will inform the VSH as early as possible

This is in order for White Spire School and key agencies to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker / a pupil who is looked after, the headteacher/ DSL will inform the pupil's social worker / the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupils ability to sit key exams/coursework

The social worker / VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion.

7. Cancelling suspensions and permanent exclusions

The headteacher may cancel a suspension or permanent exclusion that has already begun, but this will only be done where it has not yet been reviewed by the governing board. Where there is a cancellation:

- The parents, governing board and LA will be notified without delay
- Where relevant, any social worker and VSH will notified without delay
- Parents will be offered the opportunity to meet with the headteacher/deputy head to discuss the cancellation
- As referred to above, the headteacher will report to the governing board once per term on the number of cancellations
- The pupil will be allowed back in school

8. Providing education during the first 5 days of a suspension or permanent exclusion

During the first 5 days of a suspension, if the pupil is not attending alternative (AP) provision, the headteacher will take steps to ensure that achievable and accessible work is set and marked for the pupil.

If the pupil is looked after or if they have a social worker, the school will work with the LA to arrange AP from the first day following the suspension or permanent exclusion. Where this isn't possible, the school will take reasonable steps to set and mark work for the pupil, including the use of online pathways.

9. Considering suspensions and permanent exclusions

At White Spire School, there is a clear process for suspensions and permanent exclusions. Most exclusions are of a fixed term nature and are of short duration (usually between one and six days). The DfE regulations allow the headteacher to exclude a student for one or more fixed periods not exceeding 45 school days in any one school year.

The Governors have established arrangements to review promptly all permanent exclusions from the School and all fixed term suspension that would lead to a student being excluded for over 15 days in a school term or missing a public examination. (In relation to procedural matters pertaining to the composition and operation of the Governors' Pupil Discipline Committee, the Governing Body has agreed to adopt the procedural guidelines prepared by the LEA.)

The Governors have a responsibility to:

- Established arrangements to review fixed term suspension which would lead to a student being excluded for over six days but not over 15 days in a school term where a parent has expressed a wish to make representations.

A return to school meeting will be held following the expiry of the fixed term suspension and this will involve the headteacher or in their absence of the Head the Deputy Head and other staff where appropriate.

10. Permanent Exclusion

The decision to exclude a student permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered.

1. 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 consistent 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.

2. 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 student for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another student or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Carrying an offensive weapon *
- Arson

The School will consider police involvement for any of the above offences.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well being of the School.

General factors the school considers before making a decision to exclude

- Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the student concerned. Before deciding whether to exclude a student either permanently or for a fixed period, the Head will:
- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the School's Behaviour Policy and Equality Policy.
- Allow the student 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 Head is satisfied that on the balance of probabilities the student did what he or she is alleged to have done, exclusion will be the outcome.

11. Exercise of Discretion

In reaching a decision, the Head will always look at each case on its own merits. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Head will consider:

a) The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the School's Behaviour Policy

b) The effect that the student remaining in the School would have on the education and welfare of other students and staff.

Nonetheless, in the case of a student found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Pupil Discipline Committee, when it meets to consider the headteacher's decision to exclude. This Committee will require the headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the student's school record, witness statements and the strategies used by the school to support the student prior to exclusion.

12. Alternatives to Exclusion

Alternative strategies to exclusion are included in the School's Behaviour Policy. The school works closely with the LA and other schools/organisations to undertake managed moves where such a course of action would be of benefit both to the student and the school's concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

It may be appropriate, in some instances (including Child Protection) in order to safeguard the pupil and others in the school community that the pupil cannot remain on site or be sent home. In this instance, the school will liaise with the LA to provide alternative provision for the duration of the exclusion.

13. Considering the reinstatement of a pupil

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

Where the governing board is legally required to consider reinstating a suspended or permanently excluded pupil, they must consider both the interests and circumstances of the suspended or permanently excluded pupil, and that of other pupils, staff, and White Spire School community.

The governing board must also consider:

- Any representations made by or on behalf parents or the pupil (18 years old), the headteacher, social work, LA).

Take into account, the pupil's age and understanding, the pupil or their parents should also be made aware of their right to attend and participate in the governing board meeting and the pupil should be enabled to make a representation on their own behalf if they desire to do so.

When establishing the facts in relation to a suspension or permanent exclusion the governing board must 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'.

In the light of its consideration, the governing board will decide whether to decline to reinstate the pupil or direct reinstatement of the pupil immediately or on a particular date.

If a reinstatement meeting would make no practical difference because, for example, the pupil has already returned to school following the expiry of a suspension or the parents make clear they do not want their child reinstated, the governing board must still meet to consider whether the pupil should or would have been officially allowed back into the school. Ideally, a reinstatement meeting should happen as soon as possible and should ideally be held before the pupil is back in school. If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

14. Independent review

If parents apply for an independent review within the legal timeframe, the LA will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the governing board of its decision to not reinstate the pupil or, if after this time, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 regarding the permanent exclusion.

15. Reintegration meetings

The school will explain the reintegration strategy to the pupil in a reintegration meeting before or on the pupil's return to school. During the meeting the school will communicate to the pupil that they are getting a fresh start and that they are a valued member of the school community.

The pupil, parents, a member of senior staff, and any other relevant staff will be invited to attend the meeting.

The meeting can proceed without the parents in the event that they cannot or do not attend.

The school expects all returning pupils and their parents to attend their reintegration meeting, but pupils who do not attend will not be prevented from returning to the classroom.

16. Monitoring arrangements

The school will collect data on the following:

- Attendance, permanent exclusions and suspensions
- Use of pupil referral units, off-site directions and managed moves
- Anonymous surveys of staff, pupils, governors/trustees and other stakeholders on their perceptions and experiences

The data will be analysed every year by the headteacher. The headteacher will report back to the governors.

17. Links with other policies

This policy is to be read in conjunction with

- 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

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- KCSIE
- Behaviour for Learning Policy
- Anti-Bullying Policy
- Child Protection Policy
- Equality Policy