

# PERRYFIELDS PRIMARY PRU



## SUSPENSIONS AND EXCLUSIONS POLICY

<b>Review Date</b>	<b>Developed and Reviewed Date</b>	<b>Reviewer (Who?)</b>	<b>Approved By Name and Date</b>
<b>December 2022</b>	<b>22.11.22</b>	<b>SLT Education Sub Committee</b>	<b>Management Committee 13.12.22</b>
<b>December 2023</b>	<b>21.11.23</b>	<b>SLT Chair of Management Committee Education Sub Committee</b>	<b>Management Committee 19.12.23</b>
<b>December 2024</b>			

<b>Minutes Reference</b>	
<b>Signature of Chair</b>	

## Statement of intent

At Perryfields Primary PRU, we understand that good behaviour and discipline is essential for promoting a high-quality education.

Amongst other disciplinary sanctions, the school recognises that suspension or permanent exclusion of pupils may be necessary where there has been a serious breach, or consistent breaches, of the school's Behaviour and Relationships Policy. Suspensions or permanent exclusion of a pupil may also be required in instances where allowing them to remain in school would be damaging to the education and welfare of themselves or others; in all cases, excluding pupils should only be used as a means of last resort.

The school has created this policy to clearly define the legal responsibilities of the headteacher, Management Committee and LA when responding to pupil exclusions and suspensions, to ensure that they are dealt with both fairly and lawfully, and in line with DfE statutory guidance. This policy also aims to secure a pupil's right to an education despite having been suspended or excluded, by ensuring that appropriate arrangements are in place.

A “**suspension**” is defined as the temporary removal of a pupil from the school for behaviour management purposes. A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. A suspension does not have to be for a continuous period.

A “**permanent exclusion**” is defined as the permanent removal of a pupil from the school, in response to a serious breach or persistent breaches of the school's Behaviour and Positive Relationships Policy, and where allowing the pupil to remain in school would seriously harm the education or welfare of the pupils or staff in the school.

### 1. Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- 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'

This policy operates in conjunction with the following school policies:

- Behaviour and Positive Relationships Policy
- Anti-bullying Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Mental Health, Wellbeing and Workload Policy
- Child Protection and Safeguarding Policy

## **2. Roles and responsibilities**

**The Management Committee is responsible for:**

- Providing information to the Secretary of State and LA about any exclusions (or suspensions) within the last 12 months.
- Arranging suitable full-time education for any pupil of compulsory school age who is excluded/suspended, where required.
- Considering parents' representations about exclusions/suspensions within 15 school days of receiving notice if the appropriate requirements are met.
- Where an exclusion/suspension would result in a pupil missing a public examination or test, considering the exclusion before this date.
- Considering whether it would be appropriate for a pupil to be permitted onto the school premises to sit the public examination or test.
- Arranging the representation meeting at a time and date convenient to all parties, but in compliance with the statutory time limits.
- Arranging for the representation meeting to take place via remote access where requested by parents or excluded pupils aged 18 and over.
- Adhering to its responsibilities to consider the reinstatement of pupils.
- Considering the interests and circumstances of the excluded/suspended pupil, including the circumstances in which they were excluded/suspended, and have due regard to the interests of others at the school.
- Using the civil standard of proof (based on the 'balance of probabilities', it is more than likely that the fact is true) when establishing the facts relating to an exclusion/suspension.
- Ensuring clear minutes are taken of the representation meeting.
- Noting the outcome of the representation meeting on the pupil's education record, along with copies of relevant papers for future reference.
- Notifying the pupil's parents, the headteacher and the LA of its decision and the reasons for it, without delay.
- Appointing a clerk to provide advice to the relevant panel and parties to the review on procedure, law and statutory guidance on suspensions and exclusions.
- Where appropriate, informing parents of where to apply for an independent review panel.

- Informing parents of relevant sources of information.
- Ensuring a pupil's name is removed from the school admissions register, where appropriate.
- Reconvening within 10 school days to reconsider reinstatement of a pupil where directed to do so by the exclusions review panel.
- Using data to evaluate the school's practices regarding intervention and exclusion/suspension.

**The clerk to the exclusions review panel is responsible for:**

- Informing the appropriate individuals that they are entitled to:
  - Make written representations to the panel.
  - Attend the hearing and make oral representations to the panel.
  - Be represented.
- Circulating copies of relevant papers at least five school days before the review to all parties.
- Giving all parties details of those attending and their role, once the position is clear.
- Attending the review and ensuring that minutes are produced in accordance with instructions from the panel within the timeframe of the policy.

**The headteacher is responsible for:**

- Implementing good levels of discipline to ensure all pupils can benefit from the opportunities provided by education and to minimise potential exclusions/suspensions.
- Applying the civil standard of proof when establishing the facts in relation to an exclusion/suspension.
- Complying with their statutory duties in relation to pupils with SEND when administering the exclusion/suspension process, as outlined in the Special Educational Needs and Disabilities (SEND) Policy.
- Considering any contributing factors that are identified after an incident of poor behaviour has occurred, e.g. if a pupil has suffered bereavement, experienced bullying or has a mental health issue.
- Considering the use of multi-agency assessments for a pupil who demonstrates persistent disruptive behaviour.
- Reviewing the effectiveness of exclusions/suspensions as sanctions, e.g. home circumstances and the pupil's individual needs.
- Considering what extra support may be needed to identify and address the needs of individual pupils.
- Engaging effectively with parents in supporting the behaviour of pupils with additional needs.
- Determining whether a pupil will be excluded/suspended on disciplinary grounds.
- Withdrawing any suspensions or exclusions that have not been reviewed by the Management Committee, where appropriate.
- Ensuring any decision to suspend or exclude is lawful, rational, reasonable, fair and proportionate.

- Complying with the requirements of the Equality Act 2010 when deciding whether to exclude/suspend a pupil.
- Ensuring they have considered their legal duty of care when sending a pupil home following an exclusion/suspension.
- Making the decision to exclude/suspend based on the evidence available at the time.
- Notifying a pupil's parents without delay where the decision is taken to exclude/suspend the pupil, including the days on which the parents must ensure the pupil is not present in a public place at any time during school hours, as well as any other necessary information statutorily required.
- Ensuring that all information provided to parents is clear and easily understood.
- Inform the pupil's social worker in the case of Child Welfare needs or the Virtual School in the case of CLA pupils.
- Notifying the Management Committee once per term of any exclusions/suspensions in the headteacher's report.
- Organising suitable work for excluded/suspended pupils.

### **3. Grounds for suspension or exclusion**

The school will only exclude/suspend a pupil where it is absolutely necessary, and where all other possible disciplinary sanctions, as detailed in the school's Behaviour and Relationships Policy, have failed to be successful.

The following examples of behaviour may warrant the decision to suspend or exclude a pupil:

- 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
- Bullying
- Discriminatory abuse, e.g. racist, homophobic, biphobic, transphobic or ableist abuse
- Indecent behaviour
- Damage to property
- Misuse of illegal drugs or possession
- Theft
- Arson
- Persistent unacceptable behaviour which, despite sanctions is not improving.

Pupils can be suspended on a fixed-period basis, i.e. for up to 45 school days within a year, or permanently excluded. Similarly, pupils can be permanently excluded following a fixed term suspension, where further evidence is presented. In all cases, the headteacher will decide whether a pupil will be subject to an exclusion/suspension, depending on what the circumstances warrant.

## **4. The headteacher's power to suspend and exclude**

Only the headteacher has the power to permanently exclude a pupil from the school. All suspensions will only be issued on disciplinary grounds. In the Headteacher's absence the Deputy Headteachers are able to make the decision to suspend a pupil.

The headteacher is able to suspend pupils where their behaviour is disruptive during lunchtime. All lunchtime suspensions will be counted as half of a school day. The headteacher is also able to consider a pupil's disruptive behaviour outside of the school premises as grounds for suspension or exclusion, in accordance with the school's Behaviour and Positive Relationships Policy.

When sending a pupil home following any suspension or exclusion, the headteacher will ensure that they exercise their duty of care at all times and will always inform the parents.

Any decision made to suspend or exclude a pupil will be lawful, proportionate and fair, with respect to legislation relating directly to suspensions and exclusions and the school's wider legal duties, including the ECHR. At all times, the headteacher will take into account their legal duties under the Equality Act 2010 and the 'Special educational needs and disability code of practice: 0 to 25 years', ensuring that they do not discriminate on any grounds and will not increase the severity of a pupil's suspension or exclusion on these grounds.

The headteacher will apply the civil standard of proof when responding to the facts relating to a suspension or exclusion, i.e. that 'on the balance of probabilities' it is more likely than not that the facts are true.

The headteacher may cancel any suspension or exclusion that has already begun, or one that has not yet begun; however, this power will only be used if the suspension or exclusion has not already been reviewed by the Management Committee.

Where a suspension or exclusion is cancelled, the headteacher will notify the pupil's parents, the management Committee, the LA, and, where relevant, the virtual school head (VSH) and the pupil's social worker. The notification will also provide the reason for the cancellation. The headteacher will offer the pupil's parents the opportunity to meet with the headteacher to discuss the circumstances that led to the cancellation of the exclusion, and the pupil will be allowed back into school without delay.

When a suspension or exclusion is cancelled, the Management Committee's duty to consider reinstatement ceases, and there is no requirement to hold a meeting to consider reinstatement.

Any days spent out of school as a result of a suspension or exclusion prior to it being cancelled will count towards the maximum 45 school days that a pupil can be suspended or excluded in an academic year. A permanent exclusion will not be cancelled if the pupil has already been suspended or excluded for more than 45 school days in an academic year or if they will have been so by the time the cancellation takes effect.

The headteacher will report the number of suspensions and exclusions that have been cancelled, alongside the circumstances around and reasons for cancellation, to the Management Committee once per term, to allow governors to have appropriate oversight.

The headteacher will not issue any 'informal' or 'unofficial' suspensions or exclusions, e.g. sending a pupil home to 'cool off', regardless of whether the parents have agreed to this. The headteacher will not use the threat of suspension or exclusion as a means of instructing parents to remove their child from the premises.

All suspensions and exclusions will be formally recorded on the school's Scholar Pack information system.

## **5. Factors to consider when suspending or excluding a pupil**

When considering the suspension or exclusion of a pupil, the headteacher will:

- Take into account any contributing factors that are identified after a case of poor behaviour has occurred, e.g. if the pupil's wellbeing has been compromised, SEND needs or they have been subjected to bullying.
- Work in conjunction with the parents of any pupil with additional needs to establish the most effective support mechanisms.
- Take into consideration whether suspension is serving as an effective sanction.

## **6. Exclusion Procedure**

Perryfields Primary PRU has adopted the Worcestershire LA Guidelines regarding managing exclusions/suspensions.