

St. Luke's C.E. Primary School
Suspension and Permanent Exclusion Policy

Suspension and Permanent Exclusion Policy
Full Governing Body
Reviewed Autumn 2024
For Review: Autumn 2027

Introduction

It is the policy of St Luke's to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid reaching the point of suspension or exclusion. (See Behaviour Policy). Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the Behaviour 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. We seek to reduce the number of incidents leading to a suspension and permanent exclusion by promoting a positive atmosphere of mutual respect and discipline within the school. We regularly monitor the number of suspensions and permanent exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Guidance and Legislation

This policy is drafted to be compliant with the [Exclusion from maintained schools, academies and student referral units in England](#) (September 2023) statutory guidance.

This policy contains a summary of the statutory guidance and is not intended to provide a full account of all the guidance content which should be read alongside this policy.

The non-statutory government guidance [Behaviour in Schools](#) (September 2022) is also very relevant.

This policy takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

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 admission register. This is sometimes referred to as an 'exclusion'.

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.

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 have not met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent to encourage them to remove their child from the school.

Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend a pupil will be taken only:

- In accordance with the school's behaviour policy
- To provide a clear signal of what is unacceptable behaviour
- To show a pupil that their current behaviour is putting them at risk of permanent exclusion

Where suspensions have become a regular occurrence, the headteacher will consider whether suspensions alone are an effective sanction and whether additional strategies need to be put in place to address behaviour issues.

A decision to exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, and
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

A pupil may be suspended for one or more fixed periods, up to a maximum of 45 school days in a single academic year. They can also be excluded permanently.

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

When establishing the facts in relation to a possible exclusion, the Headteacher will always 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.'

Before issuing a suspension or permanent exclusion, the Headteacher will follow the stages written below:

- **Investigation and evidence:** Ensure that a thorough investigation has been carried out and consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked. As per the school's Behaviour Policy, the Headteacher may consider the behaviour of a pupil outside school as grounds for an exclusion or suspension.
- **Student voice:** Allow and encourage the pupil to give their version of events. The Headteacher will give the pupil an opportunity to present his or her case taking into account their age and understanding, before taking the decision to exclude or suspend unless it would not be appropriate to do so. Pupils who need support to express their views will be allowed support of an advocate, such as a parent or social worker.
- **Vulnerable student:** Find out whether the pupil comes into a category that is known to be a particularly vulnerable group (e.g., students with SEND, free school meal (FSM) students; looked after children; pupils with a social worker; certain ethnic groups; (for example traveller children) and consider whether all supportive and preventative strategies have been fully utilised.
- **SEND:** Where a pupil has any SEND, the Headteacher will consider if any reasonable adjustments need to be made and use the Avoiding Exclusion Toolkit to ensure the pupil has been provided with adequate support and to consider whether any further support can be provided. The Headteacher will seek to understand the underlying cause of the behaviour and consider whether the pupil's SEND influenced their behaviour and if it did, whether it is still appropriate to issue the sanction or any sanction at all.
- **Social worker:** Where a pupil has a social worker the Headteacher will ensure they and, as appropriate, any parent; the Designated Safeguarding Lead; and the designated lead for Looked-After Children are involved as early as possible in relevant conversations.

- **Consider alternatives:** Consider whether all relevant initial intervention strategies set out in the Behaviour in Schools guidance and alternative solutions have been explored, including an offsite direction or managed move.
- **Mitigating circumstances:** Take into account possible short-term mitigating circumstances such as bereavement, mental health issues etc.
- **Safeguarding:** Consider whether there are any safeguarding concerns and whether the Designated Safeguarding Lead should be consulted.

The Headteacher will not:

- exclude or suspend any pupil for non-disciplinary reasons.
- use exclusion informally or unofficially, pupils will not be sent home to 'cool off' even with parental permission.
- extend or 'convert' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first suspension; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Lunchtime suspensions

A suspension can be for parts of the school day. For example, pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period only, then back into school in the afternoon. In such cases the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parents, still apply. Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Disciplinary Committee (DC) meeting is triggered.

Action following any exclusion

Informing parents

The Headteacher will provide the following information to parents of a suspended or an excluded pupil, without delay (usually by phone initially and then followed up in a letter):

- 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.
- Information about parent's right to make representations to the St Luke's Governing Body and how the pupil may be involved in this.
- Details for the continuing education of the pupil, including setting and marking work.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents/pupil without delay, and provide a reason for the cancellation.

Informing the governing body

The headteacher will, without delay, notify the governing body of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil.
- Any suspension that would result in the pupil being suspended for a total of more than 5 school days (or more than 10 lunchtimes) in a term.
- Any suspension or permanent exclusion that would result in the pupil missing a National Curriculum test or public exam.
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation.

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 an 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.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

Cancelling suspensions and permanent exclusions

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

- The parents, governing board and LA will be notified without delay.
- Where relevant, any social worker will be notified without delay.
- The notification must provide the reason for the cancellation.
- The governing body's duty to hold a meeting and consider reinstatement ceases.
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation, which will be arranged without delay.
- The pupil will be allowed back in school without delay.

Any days spent out of school as a result of any suspension or exclusion, prior to the cancellation, will count towards the maximum of 45 school days permitted in any school year.

A permanent exclusion cannot be cancelled if the pupil has already been excluded for more than 45 school days in a school year or if they will have been so by the time the cancellation takes effect.

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

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. Online pathways, such as Google Classroom, may be used for this. If the pupil has a special educational need or disability, the headteacher will make sure that reasonable adjustments are made to the provision where necessary.

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.

Function of the governing body

The governing body is required to establish a Discipline Committee. The Discipline Committee should consist of three or five governors (not including the headteacher). The role of the Committee is to:

- review the use of suspension / exclusion within the school.
- consider the views of the relevant person.
- confirm suspensions of more than 15 days.
- decide whether to confirm permanent exclusions.
- confirm suspensions and a permanent exclusion where the pupil will miss public examinations.

The Committee must be informed of:

- all permanent exclusions.
- suspensions over more than five school days in any one term (separately or in total).
- A suspension of permanent exclusion that results in a pupil missing a public examination.

Where the suspension is for five days or less the Discipline Committee must consider any representations from the relevant person. Where the pupil loses the opportunity to take a public examination, the Discipline Committee should consider the suspension and decide whether to reinstate.

When the Discipline Committee has been notified by the relevant person that they wish to make representations the Committee must consider the circumstances of the suspension or permanent exclusion and the representations made by the relevant person and the LA. Oral representation must also be allowed at the hearing from the relevant person and/or the LA.

As a result of its deliberations, the Discipline Committee may decide not to reinstate or to direct the headteacher or:

- reinstate immediately.
- reinstate on a particular future date.

Where the decision is to reinstate, the headteacher, the relevant person, and the LA must be informed immediately.

The headteacher must comply with the directive of the Discipline Committee.

If the decision is not to reinstate, the Discipline Committee must:

- inform the relevant person, the headteacher and the LA.
- where the decision involves a permanent exclusion, give the relevant person the following information:
 - the reason for the decision not to reinstate.
 - the relevant person's right of appeal.
 - information regarding the appeal process and to whom the appeal should be addressed.
 - advice that the appeal should contain a clear indication of the grounds for appeal.
 - the last date on which the appeal can be accepted.

Good practice on informing parents when deciding to suspend or exclude

Parents should be telephoned immediately after an exclusion or a suspension decision has been made. The decision to suspend / exclude will have been taken after a full investigation into the incident has been completed. The call should be followed by a letter indicating:

- why suspension / exclusion has been decided.
- arrangements for continuing the pupil's education.
- the parents' right to state their case to the Discipline Committee.
- whom the parents should contact to state their case.
- the time frame for their case to be heard.
- their right to see the pupil's records.
- the length of the suspension / exclusion.
- if the decision is suspension or exclusion, all details leading up to the suspension / exclusion including fixed-term suspensions.
- the contact number of the LA and the Advisory Centre for Education (ACE) – 020 7704 9822.

If the suspension is changed into a permanent exclusion, another letter must be written to the parents, and the parents can state their case to the Discipline Committee.

The Governing Body Discipline Committee

Members should ensure that their governing body is fully aware of its responsibilities with regard to the suspension / exclusion process. These are:

- To establish a committee.

- To appoint a clerk to that committee.
- Where the suspension is for five days or less, reinstatement cannot be directed but the statement from the relevant person should be considered.
- To allow more than one suspension / exclusion to be considered at a meeting.
- Where a suspension of up to five days causes the pupil to miss a public examination, the Chair may consider reinstatement if the Discipline Committee is unable to meet before the examination date.
- In the case of a suspension between six and 15 school days in a term, meetings to consider the suspension must be held by the fiftieth school day.
- In the case of suspensions over 15 school days, suspension meetings must be held between the sixth and fifteenth school days to consider the suspensions.
- LA and parents must be invited to the meeting (parents may bring a friend or legal representative).
- Written statements to be submitted in advance.
- All statements (pupil's name removed) to be circulated to all parties in advance of the meeting.
- If requested, the pupil be allowed to attend the meeting.

The meeting

The pupil may already have returned to school before the Discipline Committee meets. Where the pupil is still suspended or excluded when the Committee meets, the Committee should:

- Consider all statements.
- Consider the strategies used to modify the pupil's behaviour.
- Decide whether suspension or exclusion is appropriate.
- Write within one day to the parents and LA indicating the decision of the Committee and their reasons for so deciding.
- Where permanent exclusion is upheld, parents must be given information regarding the appeals process. An appeal should be lodged within 15 school days of the Committee's decision.

NB Parents have a right of appeal even if they do not make a case to the Discipline Committee

The function of the LA

It is the responsibility of the LA to ensure that arrangements are in place for the relevant person to appeal against the governing body decision to uphold the permanent exclusion.

The decision of the appeal panel is binding on the governing body, the relevant person, the headteacher and the LA.

Should the appeal panel decide to reinstate, it must indicate whether this should occur immediately or on a specified future date.

The appeal process

An appeal may be made by the relevant person up to 15 school days after written notice of permanent exclusion has been received. The relevant person may waive their right to appeal. This should be made in writing.

Independent Appeal Panels can include lay persons, school governors and head teachers.

In order to ensure impartiality the following categories of people are disqualified from being members of a panel:

- an LA member.
- a governor at the school in question.
- any LA or governing body employee, other than a teacher.
- any person connected with the pupil, the school or the incident that led to the suspension that may raise doubts about their ability to act impartially.
- if there is any connection with the school to which the child might be admitted if the appeal fails.

If a member is unable to continue during the course of a hearing due to ill health, the panel may continue to sit provided that there are never less than three members available

Procedure to appeal

- The appellant must give notice of appeal in writing.
- The LA will determine a date for the appeal, not more than 15 school days after the day on which the appeal is lodged.
- In exceptional circumstances, the relevant person may be granted a later date by the LA.
- In deciding on a date for the appeal, the LA must take into consideration the times when the relevant person and other individuals to be involved are available.
- The panel will allow representations as follows:
 - the relevant person (or friend) makes an oral representation.
 - the relevant person may bring a friend.
 - the headteacher may make a written representation and an oral representation.
 - the governing body may make a written representation.
 - a nominated officer of the LA may make an oral representation.
 - a nominated governor from the Discipline Committee may make an oral representation.
 - a member of the Council of Tribunals may attend as an observer.
 - the Discipline Committee is also allowed to be represented at appeal.
- The outcome of the appeal may be decided by a majority vote of the members of the panel.
- The result of the appeal must be sent in writing to the relevant person, the LA, the governing body and the headteacher by the end of the school day after the conclusion of the appeal hearing.

A pupil may only be removed from the school roll if the permanent exclusion is upheld following an Independent Appeal Panel Meeting.

Autumn 2024