



# **Suspension & Exclusion Policy**



We seek to avoid suspensions as our pupils have histories of rejection and exclusion, including from previous schools or other educational settings. We therefore use a combination of strategies to support, encourage and reward behaviour that is conducive to learning. Most importantly, we strive to consistently acknowledge good behaviours, to praise pupils' achievements, to treat every lesson and every day as a fresh start and to always be as positive as humanly possible with our pupils, who are, regrettably, very familiar with being told off. Suspension from school will only take place for the most serious incidents and after every strategy undertaken has failed to calm/ engage the pupil. This will be marked as an exclusion (E code) in our register.

In extreme cases, the headteacher may suspend a pupil for a fixed-term of, typically, one or two days. A fixed-term suspension of more than two days is exceptionally rare. When the decision is taken to suspend a pupil, an explanatory letter is always posted to the parent/carer within the same day – as well as to the placing authority – and homework is provided.

### **Managing Behaviour Problems**

Our behaviour strategies are comprehensive and are detailed in our separate Behaviour Policy.

### **Individual Behaviour Support Plans**

Behaviour Support Plans are used to help pupils at risk of suspension in order to support him/ her to make correct behaviour choices. They will:

- Individual 5 Point Scales;
- Include strategies for managing the environment, the class or group, the activities which give rise to the inappropriate behaviours;
- Emphasise teaching the child alternative positive behaviours; and
- Using positive rewards.

### **The law states:**

- Only the Headteacher (or acting Headteacher) of a school can suspend a pupil and this must be on disciplinary grounds. A pupil may be excluded for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently. A fixed period suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, a fixed period suspension may be extended or converted to a permanent exclusion.
- Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. 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 governing body meeting is triggered.
- The behaviour of pupils outside school can be considered as grounds for suspension. This will be a matter of judgement for the Headteacher in accordance with the school's published behaviour policy.
- The Headteacher may withdraw a suspension that has not been reviewed by the governing body.



- Any decision of a school, including suspension, must be made in line with the principles of administrative law, i.e. that it is: lawful (with respect to the legislation relating directly to suspensions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.
- The Headteacher must take account of their legal duty of care when sending a pupil home following a suspension.
- When establishing the facts in relation to a suspension decision the Headteacher 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'.
- Under the Equality Act 2010 ("the Equality Act") schools must not discriminate against, harass or victimise pupils because of their: sex; race; disability; religion or belief; sexual orientation; because of a pregnancy/ maternity; or because of a gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to policies and practices.
- In carrying out their functions under the Equality Act, the public sector equality duty means schools must also have due regard to the need to: eliminate discrimination and other conduct that is prohibited by the Equality Act; advance equality of opportunity between people who share a protected characteristic and people who do not share it; and foster good relations across all characteristics – between people who share a protected characteristic and people who do not share it.
- These duties need to be considered when deciding whether to exclude a pupil. Schools must also ensure that their policies and practices do not discriminate against pupils by unfairly increasing their risk of suspension.
- The Headteacher and governing body must take account of their statutory duties in relation to special educational needs (SEN) when administering the suspension process. This includes having regard to the SEN Code of Practice.
- It is unlawful to exclude or to increase the severity of a suspension for a non-disciplinary reason.
- 'Informal' or 'unofficial' suspensions, such as sending pupils home 'to cool off', are unlawful, regardless of whether they occur with the agreement of parents or carers. Any suspension of a pupil, even for short periods of time, must be formally recorded.
- Schools have the power to direct a pupil off-site for education to improve his or her behaviour. A pupil can also transfer to another school as part of a 'managed move' where this occurs with the consent of the parties involved, including the parents. However, the threat of suspension must never be used to influence parents to remove their child from the school.

## Reasons for Suspension

The school will use suspension as its final sanction in ensuring the safety, welfare and progress of all members of the school community. It will normally be used only after a range of support has failed to achieve the desired change in behaviour and attitude. A serious offence could by itself justify a pupil's suspension. This may include an aspect of the following:

- Violence towards an adult or child
- Frequent high-level disruption in classrooms
- Damage to property including being dangerous to themselves and others



### **Suspension Process**

When it is necessary to exclude a pupil, parents, the Local Authority and, where relevant, their Social Worker, will be contacted immediately and notified in writing of the following:

- the reasons for the suspension;
- the period of a fixed period suspension or, for a permanent exclusion, the fact that it is permanent;
- parents' right to make representations about the suspension to the governing body and how the pupil may be involved in this;
- how any representations should be made; and
- where there is a legal requirement for the governing body to consider the suspension, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- Where a suspended pupil is of compulsory school age the Headteacher must also notify parents that for the first five school days of a suspension (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

If alternative provision is being arranged then the following information must be included with this notice where it can reasonably be found out within the timescale:

- The start date for any provision of full-time education that has been arranged for the pupil during the suspension;
- 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; and
- Any information required by the pupil to identify the person he/ she should report to on the first day.

The Headteacher will also notify the governing body and the local authority of:

- A permanent exclusion (including where a fixed period suspension is made permanent);
- Suspensions which would result in the pupil being excluded for more than five school days (or more than ten lunchtimes) in a term; and
- Suspensions which would result in the pupil missing a public examination or national curriculum test.

For a fixed-period-suspension of more than five school days, the governing body must arrange suitable full-time education for any pupil of compulsory school age. This provision must begin no later than the sixth day of the suspension. Where it is not possible, or appropriate, for the school to arrange alternative provision during the first five school days of a suspension, reasonable steps to set and mark work for pupils will be taken. Work that is provided will be accessible and achievable by pupils outside of school.

### **Permanent suspension**

A decision to permanently exclude a pupil will only be taken:



- In response to a serious breach, or persistent breaches of the school's behaviour policy.
- If a pupil brings illegal drugs or weapons into school.
- Where allowing the pupil to remain in school would seriously harm the safety and welfare of the pupils, members of staff or others in school.

For permanent exclusions, the local authority must arrange suitable full-time education for the pupil to begin no later than the sixth day of the suspension.

### **Emergency Annual Review**

When we cannot meet a pupil's needs, we will call for an emergency annual review with the placing authority to re-evaluate the suitability of the placement and recommend that another provision be sought. This is not the same as suspension or exclusion.