



**MURDISHAW WEST COMMUNITY
PRIMARY SCHOOL**

**SUSPENSION & PERMANENT EXCLUSION POLICY
AUTUMN 2022**

Policy Title	Suspension and Permanent Exclusion
School/HBC	School
This policy complies with Halton LA guidance	Yes
Linked Polices & Documents	<ul style="list-style-type: none"> • Behaviour Policy; • Anti-Bullying Policy; • Home-School Agreement • Use of Reasonable Force to Control or Restrain Pupils
Written By	Julie Phillips
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Signed by Chair of Governors	
Date:	
Review Date	Autumn 2023

At Murdishaw West Community Primary School we work together to..... Co-operate, Achieve, Respect and Enjoy. At Murdishaw West, we CARE!

INTENT

Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Therefore, we recognise that school exclusions, managed moves and off-site direction are essential behaviour management tools, used to establish high standards of behaviour and maintaining the safety of everyone at Murdishaw West Community Primary School. For the vast majority of pupils, suspensions and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

The principal legislation to which this guidance relates is:

- the Education Act 2002, as amended by the Education Act 2011;
- the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- the Education and Inspections Act 2006;
- the Education Act 1996; and 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.

IMPLEMENTATION

Partnership with Parents

Parents working in partnership with the school to consistently reinforce the school's expectations is an important factor in every child's success. At Murdishaw West Community Primary School, we will work in partnership with parents to ensure that expectations are clear and parents can reinforce them with their

children. This includes ensuring that parents are kept informed about decisions made in response to a child's misbehaviour so that we can work together in the best interests of pupils to ensure expectations for behaviour are made clear.

The school is responsible for communicating to pupils, parents and staff, its expectations of standards of conduct. A range of policies and procedures are in place to promote good behaviour and appropriate conduct. These are:

- Behaviour Policy;
- Anti-Bullying Policy;
- Home-School Agreement
- Use of Reasonable Force to Control or Restrain Pupils

Supporting Pupils to Succeed

We aim to include, not exclude, and we approach all challenging behaviour in a supportive and positive way with a restorative approach. We recognise that such behaviour can sometimes be symptomatic of a real, deeper need for our support and understanding. All children can go through times of inappropriate behaviour, and we strive to never "give up" easily on a child as we recognise that each person has a unique contribution to make to school life and we want to support them to achieve this.

We will use behaviour data to assess patterns of challenging behaviour in pupils. Where patterns emerge, we will systematically intervene, this may include the drawing up an Individual Behaviour Plan with SMART targets with the child, parent, teacher and SENDCo.

We will always consider whether the behaviour displayed by the child is a communication of a wider need or could be because the child has additional Social, Emotional and Mental Health (SEMH) needs which would lead us to believe that they should be covered by the SEN Code of Practice (2014) or covered by the Equality Act (2010).

No exclusion will be initiated without first attempting other strategies or, in the case of a serious single incident, a proper investigation.

Types of Exclusion

Internal Exclusion

Internal exclusion is when a pupil is excluded from the rest of the school and must work away from their class for a fixed amount of time. This will be in a different classroom.

An internal exclusion is a discretionary measure, where a pupil's behaviour is escalating and more serious measures need to be taken, but there are not yet grounds for an external exclusion / suspension. Typically, a child receiving a consequence of this level should be receiving additional support for their behaviour, intended to help them to avoid their behaviour escalating to a point where a suspension is necessary (examples: behaviour chart to address specific behaviours causing a problem; support from the adults within school etc)

Suspension (previously known as fixed-term exclusion)

A suspension is when a child is excluded from school and must remain home for a fixed amount of time. This should be for the shortest time necessary to ensure minimal disruption to the child's education, whilst mindful of the seriousness of the breach of policy. A pupil may be suspended for one or more fixed periods¹⁴ (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period. During a suspension, pupils will still receive their education. Work will be set and marked for pupils during the first five school days of a suspension. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period.

Permanent Exclusion

A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to permanently exclude must be taken by the Headteacher and then the decision is scrutinised by a panel of Governors. The decision to exclude a pupil permanently should only be taken:

- in response to a serious breach or persistent breaches of our school's behaviour policy; and
- where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or

others such as staff or pupils in the school.

For any permanent exclusion, headteachers should take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- 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
- 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.

Cancelling Exclusions

The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA should be notified without delay and, if relevant, the social worker and VSH;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- School will report to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

The Decision to Exclude

Only the headteacher, or acting headteacher, can exclude a pupil from school. A permanent exclusion will be taken as a last resort.

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

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

Before deciding whether to exclude a pupil, either permanently or for a fixed period, the headteacher will:

- Consider all the relevant facts and evidence, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

Pupils' behaviour outside school e.g. on school trips, at sports events, is subject to the school's behaviour policy. Unacceptable behaviour in such circumstances will be dealt with as if it had taken place in school; and additionally, this includes any serious breach of policy which could 'bring the school into disrepute'.

For the purposes of exclusions, a school day is defined as any day on which there is a school session. Therefore, INSET or staff training days do not count as a school day

ROLES & RESPONSIBILITIES

The Headteacher

Informing parents

The headteacher will immediately provide the following information, in writing, to the parents or social worker of an excluded pupil (Legislative changes mean that if a pupil has a social worker, or if a pupil is looked-after, the headteacher must now, also without delay after their decision, notify the social worker and/or VSH, as applicable):

- The reason(s) for the exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent
- Information about parents' right to make representations about the 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 meet to consider the reinstatement of a pupil, parents have a right to attend the meeting and be represented (at their own expense) and to bring a friend

The headteacher will also notify parents by the end of the afternoon session on the day their child is excluded that for the first 5 school days of an exclusion, 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 a good reason. 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 when notifying parents of an exclusion:

- 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 required by the pupil to identify the person they should report to on the first day

Where this information on alternative provision is not reasonably ascertainable by the end of the afternoon session, it may be provided in a subsequent notice, but it will be provided 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 an exclusion, in which case the information can be provided with less than 48 hours' notice with parents' consent.

Informing the Governing Board and Local Authority

The Headteacher will immediately notify the Governing Board and the Local Authority (LA) of:

- A permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Exclusions which would result in the pupil being excluded for more than 5 school days (or more than 10 lunchtimes) in a term

- Exclusions which would result in the pupil missing a public examination
- If an exclusion it to be cancelled (before it has been reviewed)

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

For all other exclusions, the Headteacher will notify the LA as soon as possible (using the correct notification form) and will inform the Governing Board once a term.

The Governing Board

The governing board has a duty to consider parents' representations about a suspension or permanent exclusion. The requirements on a governing board to consider the reinstatement of a suspended or permanently excluded pupil depend upon a number of factors.

The governing board may delegate its functions with respect to the consideration of a suspension or permanent exclusion to a designated sub-committee consisting of at least three governors.

The governing board must consider and decide on the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving notice of a suspension or permanent exclusion from the headteacher if:

- it is a permanent exclusion;
- it is a suspension which would bring the pupil's total number of school days out of school to more than 15 in a term; or
- it would result in the pupil missing a public examination or national curriculum test.

The requirements are different for suspensions where a pupil would be suspended for more than five but less than 16 school days in a term. In this case, if the parents make representations, the governing board must consider and decide within 50 school days of receiving the notice of suspension whether the suspended pupil should be reinstated. In the absence of any representations from the parents, the governing board is not required to meet and cannot direct the reinstatement of the pupil.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, there is a further requirement for the governing board. It must, so far as is reasonably practicable, consider and decide on the suspension or permanent exclusion before the date of the examination or test. If it is not practical for sufficient governors to consider the reinstatement before the examination or test, the chair of governors, may consider the suspension or permanent exclusion alone and decide whether or not to reinstate the pupil.

The following parties must be invited to a meeting of the governing board and allowed to make representations or share information:

- parents (and, where requested, a representative or friend);
- the pupil if they are 18 years or over;
- the headteacher;
- a representative of the local authority (in the case of a maintained school or PRU);⁴⁸
- the child's social worker if the pupil has one; and
- the VSH if the child is LAC

The governing board must make reasonable endeavours 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.

In the case of a suspension which does not bring the pupil's total number of days of suspension to more than five in a term, the governing board must consider any representations made by parents, but it cannot direct reinstatement and is not required to arrange a meeting with parents.

Taking 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 governing board meetings and the pupil should be enabled to make a representation on their own behalf if they wish to do so.

The Local Authority

For permanent exclusions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the exclusion. This will be the pupil's 'home authority' in cases where the school is in a different local authority area. The school should collaborate with the local authority when the pupil might be eligible for free home to school travel, arranged by the local authority, to the place where they will be receiving education. In addition, where a pupil has an EHCP, the local authority may need to review the plan or reassess the child's needs, in consultation with parents, with a view to identifying a new placement.

The local authority must have regard to the relevant statutory guidance when carrying out its duties in relation to the education of looked-after children, which can be found here: [Promoting the education of looked-after children and previously looked-after children \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/612222/promoting-the-education-of-looked-after-children-and-previously-looked-after-children.pdf). Where a looked-after child is excluded, the school should document the provision of immediate suitable education in the child's PEP.

Considering the Reinstatement of a Pupil

The Governing Board will consider the reinstatement of an excluded pupil within 15 school days of receiving the notice of the exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of exclusion to more than 15 in a term
- It would result in a pupil missing a public examination or national curriculum test

If requested to do so by parents, the Governing Board will consider the reinstatement of an excluded pupil within 50 school days of receiving notice of the exclusion if the pupil would be excluded from school for more than 5 school days, but less than 15, in a single term.

Where an exclusion would result in a pupil missing a public examination, the Governing Board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the Chair of the Governing Board (or the Vice-Chair where the Chair is unable to make this consideration) will consider the exclusion independently and decide whether or not to reinstate the pupil.

The Governing Board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

In reaching a decision, the Governing Board will consider whether the exclusion was lawful, reasonable and procedurally fair and whether the Headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record. The Governing Board will notify, in writing, the Headteacher, parents and the LA of its decision, along with reasons for its decision, without delay. Where an exclusion is permanent, the Governing Board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEN are considered to be relevant to the exclusion

- That, regardless of whether the excluded pupil has recognised SEN, parents have a right to require the LA to appoint an SEN expert to attend the review
- 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 exclusion has occurred as a result of 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. A 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

An Independent Review

If parents apply for an independent review, 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 a pupil. A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school Governors category and 2 members will come from the Headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the LA or Governing Board of the excluding school
 - Are the Headteacher of the excluding school, or have held this position in the last 5 years
 - Are an employee of the LA or the Governing Board, of the excluding school (unless they are employed as a headteacher at another school)
 - Have, or at any time have had, any connection with the LA school, Governing Board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality
 - Have not had the required training within the last 2 years (see appendix 1 for what training must cover)
- A clerk will be appointed to the panel. The independent panel will decide one of the following:
- Uphold the Governing Board's decision
 - Recommend that the Governing Board reconsiders reinstatement
 - Quash the Governing Board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed) The panel's decision can be decided by a majority vote. In the case of a tied decision, the Chair has the casting vote.

School Registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the Governing Board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education offsite) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Returning from a suspension

Following a suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate using Halton's agreed format for these meetings. The following measures may be implemented when a pupil returns from a suspension:

- Agreeing a behaviour contract
- Supporting the pupils' needs through a Behaviour Support Plan with SMART targets that are reviewed and amended regularly
- Putting a pupil 'on report'
- Internal isolation

Monitoring Arrangements

The Headteacher monitors the number of exclusions every term and reports back to the Governing Board. They also liaise with the local authority to ensure suitable full-time education for excluded pupils. This policy will be reviewed by The Headteacher every 3 years. At every review, the policy will be approved by the Governing Board.