

Suspension and Permanent Exclusion Policy



Willingdon
COMMUNITY SCHOOL

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1. Aims

At Willingdon our work with young people is underpinned by our values of Personal Excellence: Ambition, Respect, Compassion, Courtesy and Honesty to ensure each child has the opportunity to make Progress Every Lesson. We aim to ensure that all alternatives to suspensions are explored, whereby individual situations are deescalated to prevent the loss of structured learning time. Expectations are explained to engage students via; one to one discussion, daily reminders at the start of each day, whole year group assemblies or face to face virtual meetings. Staff will continue to encourage pro social behaviours on site at all times, however students display anti-social behaviours will be sanctioned and removed from the setting. Enforcement is the last resort to ensure students are well supported in their education and well-being and will ensure all other internal sanctions have been fully used within the Behaviour for Learning Policy.

Whilst the majority of students display prosocial behaviours, we recognise some students need support in making the correct decisions to ensure they meet their own optimum potential and achieve their individual levels of Personal Excellence. Where suspension for anti-social behaviours is necessary we are committed to ensuring the following:

- The suspension process is applied fairly and consistently
- The suspension process is understood by governors, staff, parents and students
- Pupils in school are safe and happy
- Pupils do not become NEET (not in education, employment or training)

This policy should be read in conjunction with the school Vision Statement and Ethos of the School as detailed below.

We are Willingdon

We are a united, vibrant community which demonstrates personal excellence in all that we do. Learning at Willingdon transforms lives by igniting curiosity and expecting the very best from staff and students alike. We value opportunities, aiming for success today to prepare for challenges and opportunities tomorrow. We are respectful, honest and courteous to empower each other on our unique learning journeys. We look after ourselves and each other, and show empathy, respect and compassion to all people and our environment along the way. We encourage tolerance, resilience and reflection, which in turn allows everyone to make progress every lesson. We work together as a harmonious community to be the very best versions of ourselves.

This makes us Willingdon

Ethos

At Willingdon Community School, we aim to develop, in all our students, key values which we consider contribute to the achievement of what we refer to as, Personal Excellence.

Ambition

To strive to do your best on all occasions. Take on new challenges and challenge yourself to reach the highest possible standards and be personally successful.

Respect

To respect and value all members of our community, recognising and celebrating our differences. Respect ourselves, valuing what we can each bring to our community.

Compassion

Understand the needs of others and support those who sometimes need our help. Contribute to charitable work which supports those less well-off in the world.

Courtesy

Be well mannered in all situations, displaying the basic courtesies that we all value. Greet those you work with regularly; be particularly welcoming and polite to visitors and show appreciation for those who support and work closely with you.

Honesty

Always be honest, even when it may appear difficult. Be honest to yourself - know your strengths and your weaknesses.

2. Legislation and statutory guidance

This policy is based on statutory guidance from the Department for Education: Suspension from maintained schools, academies and pupil referral units (PRUs) in England.

It is based on the following legislation, which outline schools' powers to suspend pupils:

- Section 52 of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Suspensions and Reviews) (England) Regulations 2012
- Sections 64-68 of the School Standards and Framework Act 1998

In addition, the policy is based on:

- Part 7, chapter 2 of the Education and Inspections Act 2006, which looks at parental responsibility for suspended pupils
- Section 579 of the Education Act 1996, which defines 'school day'
- The Education (Provision of Full-Time Education for Suspended Pupils) (England) Regulations 2007, as amended by The Education (Provision of Full-Time Education for Suspended Pupils) (England) (Amendment) Regulations 2014

3. The decision to suspend

Only the Headteacher, or member of senior leadership team appointed by the Headteacher, can suspend a pupil from school. A permanent exclusion will be taken as a last resort and can only be decided by the Headteacher or acting Headteacher.

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 suspensions procedures to ensure that every child receives an education in a safe and caring environment.

A decision to suspend a pupil will be taken only:

- In response to serious or persistent breaches of the school's policies (For example; Behaviour for learning, Drugs, Alcohol and Tobacco and Anti-bullying)

- If allowing the pupil to remain in school would seriously harm the education or welfare of others

Before deciding whether to suspend 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 suspension was provoked
- Allow the pupil to give their version of events
- Consider if the pupil has special educational needs (SEN)

4. Definition

For the purposes of suspensions, 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.

5. Roles and Responsibilities

5.1 The Headteacher

Informing parents

The Headteacher will immediately provide the following information, in writing, to the parents of a suspended pupil:

- The reason(s) for the suspension
- 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 suspension to the governing board and how the pupil may be involved in this
- Where there is a legal requirement for the governing board to meet to consider the reinstatement of a pupil, and that parents have a right to attend a meeting, be represented at a meeting (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 suspended that for the first 5 school days of an 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 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 a suspension:

- 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 a suspension, 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 fixed-period suspension is made permanent
- Suspensions which would result in the pupil being suspended for more than 5 school days (or more than 10 lunchtimes) in a term
- Suspensions which would result in the pupil missing a public examination

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 suspension and the reason(s) for it without delay.

For all other suspensions, the Headteacher will notify the governing board and LA once a term.

5.2 The Governing Board

Responsibilities regarding suspensions is delegated to the governing board consisting of at least 3 governors.

The governing board has a duty to consider the reinstatement of a suspended pupil (see section 6).

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the Local Authority with information about any suspensions in the last 12 months.

For a fixed-period suspension of more than 5 school days, the governing board will ensure the school arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the suspension.

Provision does not have to be arranged for pupils in the final year of compulsory education who do not have any further public examinations to sit.

5.3 The LA

For permanent suspensions, the LA is responsible for arranging suitable full-time education to begin no later than the sixth day of the suspension.

6. Considering the reinstatement of a pupil

The governing board will consider the reinstatement of a suspended pupil within 15 school days of receiving the notice of the suspension if:

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

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

Where a suspension 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 practical, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension 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 suspension 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 suspend.

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 a suspension 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 suspension
 - That, regardless of whether the suspended pupil has recognised SEN, parents have a right to require the LA to appoint a 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 suspension 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.

7. 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 suspension, 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.

SEN Expert

Parents have a right to request the attendance of an SEN expert at a review, regardless of whether the school recognises that their child has SEN. The SEN expert must be someone who has expertise and experience of special educational needs considered by the academy trust as appropriate to perform the functions specified in the legislation.

A person may not serve as an SEN expert if they have, or at any time have had, any connection with the school, parents or pupil, or the incident leading to the suspension, which might reasonably be taken to raise doubts about their ability to act impartially. However, an individual should not be assumed to have such a connection simply by virtue of the fact that they are an employee of the school.

Where present, the panel must seek and have regard to the SEN expert's view of how SEN might be relevant to the pupil's suspension, for example, whether the school acted reasonably in relation to its legal duties when excluding the pupil. The focus of the SEN expert's advice should be on whether the school's policies which relate to SEN, or the application of these policies, were reasonable and procedurally fair (in line with the principles of legality, rationality and procedural propriety). If the SEN expert believes that this was not the case he/she should, where possible, advise the panel on the possible contribution which could have been made to the pupil's suspension.

Where a SEN expert has been requested but is not present, the panel should make parents aware of their right to request that the review is adjourned until such time as an SEN expert can attend.

8. 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 suspension 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 a suspended pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

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

9. Returning from a fixed-term suspension

Following a fixed-term suspension, a re-integration meeting will be held involving the pupil, parents, a member of senior staff and other staff, where appropriate.

The following measures may be implemented when a pupil returns from a fixed-term suspension:

- Putting a pupil 'on report'
- Internal isolation
- Agreeing a behaviour contract
- Agreeing to support, intervention or counselling
- A School to School placement

10. Monitoring arrangements

The Deputy Headteacher responsible for behaviour monitors the number of suspensions every term and reports back to the Headteacher and governors. They also liaise with the local authority to ensure suitable full-time education for suspended pupils.

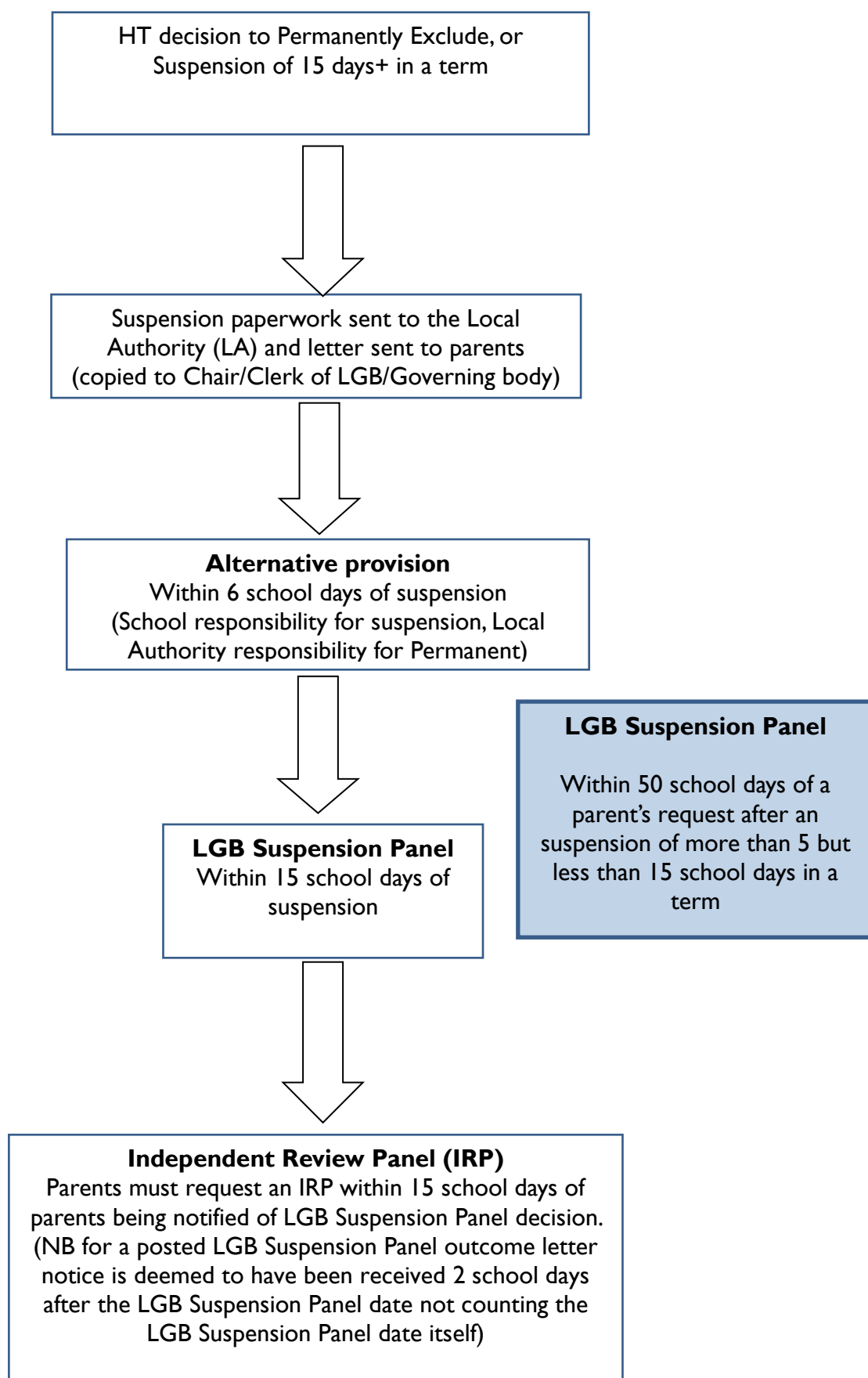
This policy will be reviewed by the Deputy Headteacher every year. At every review, the policy will be shared with the governing board.

11. Links with other policies

This suspension policy is linked to our:

- Behaviour policy
- Attendance policy
- Drugs, Alcohol and Tobacco policy
- Inclusion and SEND Policy
- Anti-Bullying policy

Appendix 1 – Flow Chart



Appendix 2

Suspension information to be sent to Headteacher's PA on the day of suspension:

Name of Student	
Tutor	
PP	Yes/No
SEND	Yes/No
Member of staff dealing with suspension (must have a conversation with parent/carer before a student is suspended to gain permission for them to leave site).	
Please give a summary of the events leading to this suspension	
If applicable – have witness statements been collected?	
Confirmed reason for suspension/information to go in the letter to read as:	
HOY informed	Yes/No
Work arranged by HOY	Yes/No
Period and date of suspension	
Date of reintegration meeting	
Staff attending re-integration meeting.	
Suspension authorisation	EMA/AWA/NTO (please circle)

Appendix 3

Suspension protocols shared with senior leadership and consistent reason for suspension as guide.

Suspension snapshot

- Please note it is unlawful to suggest a parent takes a student home to cool off or send a student home for behaviour without issuing a suspension.
- Every effort must be taken and the needs of LAC/SEN (EHCP)/PP/GRT students must be carefully considered to ensure that the suspension is the correct consequence. Furthermore, careful consideration given to any safeguarding issues associated with the student.
- Any students at risk of SUSPENSIONS should have a detailed APDR or an ANP/Pastoral needs plan and you must evaluate the support strategies to ensure the needs are being met. Check regularly if the approaches are successful/unsuccessful and is this what is leading to the potential suspension.
- Every effort must be made to consider the graduation to an ANP if not already in place and involve tier 3 intervention from ESBAS. All strategies from ESBAS reports should be written into the ANP and reviewed every term.
- A student voice and where appropriate, parent voice should be undertaken. Comments or emails recorded.
- Examples of one-off incidents are: Violence/Threats, sexual abuse or assault, weapons, illegal drugs and these can lead to PEX.
- You must assess the balance of probability that the student has done what they have alleged to do and witness statements are recorded and assessed.
- If a suspension is decided then parents must be informed immediately and discussion had regarding collecting/permission to go home. You cannot send a student on a suspension without parent consultation.
- Refer to the suggested suspension times for behaviours. See table below. We should always avoid lengthy suspensions as to not disadvantage learners but equally assess their suspension records on Sims for repeated behaviours.
- Complete the suspension template and email to the suspensions email. The parent documentation should be sent 1st class.
- HOYs and HODs/teachers ensure work is provided, collected back in and assessed when a student is on a suspension.
- If appropriate, update APDR/ANP following the reintegration meeting. If the re-integration is unsuccessful and extension to the original suspension should be administered and the paperwork completed.

Generic reasons for suspension and recommended time.

		Suspension period
Gross defiance:	Refusal to follow instructions.	0.5/1 day
	Refusal to carry out Internal suspension.	0.5/1 day
	Failure to follow expectation in Internal suspension.	0.5/1 day
	Absconding from school site	0.5/1 day
Threatening and aggressive behaviour:	Directed at another student	1-3 days
	Directed at staff	1-3 days
	Violent outburst	1-3 days
	Physical attack/assault	1-3 days
Verbal abuse:	Child on child abuse	1-3 days
	Towards a member of staff	1-3 days
	Homophobic/racial or other comments of hatred	1-3 days
Damage to school property		1-3 days
Intimidating behaviour:	Towards staff	1-3 days
	Towards other students	1-3 days
Bullying		1-3 days
Sexual assault		5 days/PEX
Possession of a knife or sharp object		5 days/PEX
Possession of an illegal substance or paraphernalia associated with an illegal substance:	Alcohol	5 Days/PEX
	Cigarettes (Confiscation only and breaks)	Depends on the context and escalation of incident 1-5 days
	Illegal drug (please state)	5 Days/PEX
Under the influence of	Illegal drugs (state)	
	Alcohol	
Smoking on school site		SLT detention/1 Day if persistently breaking this policy
Bringing the school into disrepute	(Add details)	1-3 Days
An extension of suspension	Following failed re-integration meeting	1 Day
	Breeching reintegration expectations following a previous suspension	1 Day