

# Lovers' Lane Primary School



## Suspension and Exclusion Policy

Date Reviewed: September 2022

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*Written with reference to 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England'. DFE September 2022.*

# Lovers' Lane Primary and Nursery School

## Suspension and Exclusion Policy

The government supports headteachers in using suspension and permanent exclusion as a sanction when warranted as part of creating a calm, safe and supportive environment in which pupils can learn and thrive. At Lovers' Lane Primary School, we understand that this calm, safe, supportive environment is essential for our children to succeed and to feel comfortable and happy while they learn. As a result, suspension and permanent exclusion are sometimes a necessary part of school systems that function in order to achieve this, where we understand that no all pupil behaviour can be altered or remedied through pastoral support or other consequences in school.

At Lovers' Lane Primary and Nursery School, a suspension or exclusion will be the last resort after a range of measures have been tried to improve the pupil's behaviour and after a range of strategies have been put in place to address the inappropriate behaviour which is preventing a calm, safe, supportive environment for our children and staff.

### **The headteacher's power to suspend or exclude a pupil**

Only the headteacher can suspend or permanently exclude a pupil on disciplinary grounds.

Where a suspension is the consequence, this can be for one or more fixed periods, up to a maximum of 45 school days.

The behaviour of a pupil outside of school can also be considered grounds for a suspension or permanent exclusion. Where this is the case, our headteacher will apply the principles of administrative law, ie that it is lawful (with respect to legislation relating directly to suspensions and permanent exclusions and a school's wider legal duties); reasonable; fair and proportionate.

When establishing the facts relating to a potential suspension or exclusion, our headteacher will apply the civil standard of proof, and in line with government guidance should 'accept that something happened if it is more likely that it happened than did not happen'.

The headteacher will always seek the views into account and will consider these with the age and understanding of the child in mind before deciding to suspend or exclude. The headteacher will ensure that the child is aware of the reasons for the decision made and that the child's views have been taken into account.

### **Suspension**

**Definition: A suspension is where a pupil is temporarily removed from the school.**

- A pupil may be suspended for one or more fixed periods up to a maximum of 45 days in a school year).
- Suspension is used in our school to provide a clear signal of what unacceptable behaviours are in our school and to show a pupil that these behaviours are putting them at risk of permanent exclusion.
- During a suspension, pupils will continue their education at home with a work pack provided. This will be set and the school expect this to be completed and returned for marking by the teacher. This work will be set and marked for the first 5 days of suspension. This may include online learning (eg Oak Academy or other work set by the teacher).

- Work set for pupils with SEND will be set with the needs of the child in mind and reasonable adjustments will be made so that the child can access the learning at home.
- Attendance during a suspension will be marked with a code on the register to signal this is the reason for their absence in school.
- A suspension could be for parts of the school day, eg if behaviour at lunchtime is disruptive, they may be suspended from school premises during the lunchtime period.
- Parents will be informed immediately if a suspension is given as a consequence with this followed up in a written letter. In this letter key information will be included, such as the dates, duration and reason for the suspension, as well as the date of a reintegration meeting to try to support the pupil in returning to school and making better choices.

### **Reasons for suspension:**

- 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 the school in the behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

### **Permanent Exclusion**

**Definition: A permanent exclusion is when a pupil is no longer allowed to attend a school.**

The decision to permanently exclude should only be taken:

- In response to a serious breach or persistent breaches of the 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 other pupils in the school.

Permanent exclusion would always be an absolute last resort in our school and we will take all reasonable steps to avoid such a decision. For example, pastoral support, SEND support, working with the family, engaging external services, use of a part-time timetable as appropriate.

For any permanent exclusion, the headteacher will take reasonable steps to ensure that work is set and marked for the first 5 days of the exclusion where a child will not be attending an alternative provision. Any appropriate referrals to support services will be considered and any key workers, such as a social worker working with the child will also be notified.

The headteacher may cancel any exclusion that has already begun, but only where it has not yet been reviewed by the governing body.

Should an exclusion be cancelled:

- Parents will be involved immediately and the LA informed. (Where appropriate any social worker or Virtual School Head (for children who are 'Looked after' will be contacted).
- Parents/ carers will be invited to discuss reasons for the cancellation with the headteacher
- School will report the cancelled permanent exclusion to the governing body within the term.
- The pupil will be allowed back into school.

## **A Clear Process for Suspension or Exclusion at Lovers' Lane Primary and Nursery School**

- The headteacher will inform parents straight away by phone and follow this in writing using a letter template provided by Nottinghamshire County Council (NCC), which will be saved securely by the Headteacher and a paper copy kept on file.
- An online form will be submitted to the Local Authority (NCC), informing them of the suspension or exclusion, which will be saved securely by the Headteacher and a paper copy kept on file.
- Keeping a record of each suspension or exclusion provides the headteacher with a reliable method for monitoring the 45-day suspension rule, including any suspensions received from other schools if this is the case before the child joins our school in an academic year.
- The letter sent to parents informs them of sources of impartial advice and also of their rights to contact the governing body for a review or to ask for a copy of their child's educational record. This will also inform parents of their legal obligations during the period of the suspension/ exclusion.
- A reintegration meeting will take place, with the child and parents/ carers following the suspension/ exclusion to work together to review what went wrong and the best ways to move forward and support the child's future behaviour.
- Work will be sent home for the child to complete while they are suspended/ excluded for the first 5 days.

### **Reasons for exclusions and recording of exclusions:**

A serious offence could by itself justify a pupil's exclusion. This may include an aspect of the following:

- 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 of, 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

At Lovers' Lane Primary and Nursery all decisions and actions to suspend or exclude pupils will be taken in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to the relevant parts of 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England'. DFE September 2022. We do not off-roll pupils at our school.

### **Safeguarding and suspension/ exclusion**

If there is an ongoing safeguarding investigation (whether that includes a criminal investigation or not) that may result in the permanent exclusion of a pupil or if a pupil has been reinstated following a governing body review. It is likely that complex and difficult decisions will need to be made. These will always consider the school's duty to safeguard our pupils in line with Keeping Safe in Education guidance and also in our duty to provide an education if a child is off site.

Safe and well-being checks will be made with the pupil and family during the suspension period or exclusion and ongoing co-operation with safeguarding partners will continue. Decisions will be

made on a case by case basis with the DSL (Designated Safeguarding Lead) taking a leading role and using their professional judgement supported by other agencies (eg social care, police).

Section 5 in Keeping Children Safe in Education (KCSIE) 2022 sets out that “when there has been a report of sexual violence, the DSL (or a deputy) should make an immediate risk and needs assessment. Where there has been a report of sexual harassment, the need for a risk assessment should be considered on a case by case basis”. This is the process that our school will follow. If there is a report that relates to rape or assault by penetration, social care and the police will be informed. Depending on the age of the child, this sort of incident could also lead to conviction or caution. The need to support both perpetrator and victim will also be considered carefully following such an incident so that learning can happen to address behaviours and the impact of the event. The school will seek guidance from social services and police in such situations.

### **Reintegration after a suspension.**

Following a suspension, a reintegration meeting will take place. Parents/ carers will be informed of the date, time and location in the initial letter informing them of the exclusion. This meeting will take place on the day of return to school or before.

During a reintegration meeting a discussion with child and parent will take place. During this meeting, the following points will be addressed:

- School communicating to the child that they are valued
- That previous behaviour does not need to shape them and they can change it
- Future success is possible
- Strategies for changing behaviour for the future
- Discussion of changes needed to avoid a repeat.

It will also be expected that the child and parent return the work set during the suspension at the reintegration meeting or on the day of return to school if the reintegration meeting is before the return date.

Regular check-ins with the child and family will be made following return to school to support the child in adhering to the plan from the reintegration meeting. Senior leaders and class teachers will do this.

Where appropriate, school will work with multi-agency organisations, such as other teachers, pastoral staff, mentors, social workers, educational psychologists or the safer schools team, to identify if the pupil has any SEND and/ or health needs.

Part time timetables are used by our school where this is best to suit the child's needs. This will relate to medical or SEND needs rather than behaviour issues (a part time timetable will never be used to manage a child's behaviour, but to support underlying issues which make it hard for the child to manage full time school at that point in time), where we will undertake multi-agency working with a team of professionals to support the child toward reintegration and a full time timetable is always our end goal. Children will be provided with alternative provision if this is the most suitable support, which will be decided on a case by case basis. Formal arrangements are in place and part time timetables are regularly reviewed with the pupil, parents and professionals involved. Any absences while a child is accessing school on a part time timetable will be authorised, unless they are not attending in line with the agreed timetable.

### **Managed moves**

A managed move is used to initiate a process which leads the transfer of a pupil to another mainstream school permanently. Managed moves are voluntary and agreed with all parties

involved, including the parents and the admission authority of the new school. Managed moves will only ever occur when it is in the pupil's best interests and are rare.

### **Pupils with SEND, including EHCs (Education Health Care Plan)**

The Equality Act 2010 requires schools to make reasonable adjustments for disabled pupils. At Lovers' Lane Primary and Nursery, we make our best endeavours to ensure that appropriate special educational provision is made for pupils with SEND, including behaviour management where this is necessary. We work proactively with parents to support the children. Where there is a concern regarding behaviour for a child with SEND, and there is risk of suspension or exclusion, we consider what provision could be provided to avoid this and work closely with our local School Behaviour and Attendance Partnership (SBAP) and SEND professionals through the SEND support service. Any such concerns for a pupil with an EHC, will be reported to the Local Authority at an early stage and reviews of plans may take place ahead of the suspension or exclusion where possible.

### **Pupils with a social worker, including looked-after and previously looked after children**

Where the child concerned has a social worker, is looked after or has been looked after previously, the headteacher will balance the potential safeguarding risks against the need to ensure calm, safe environments for all pupils and staff in school, which is a protective space for our children, especially the vulnerable.

If the child concerned is looked after, the Designated teacher for Looked After children will inform the Virtual School Head at Nottinghamshire Local Education Authority. They will work together with school to look at provision and support which could help the school to reduce the risk of suspension or exclusion. Personal Education Plans (PEPs) for looked after children will be reviewed termly and any concerns about the pupil's behaviour will be recorded. Strategies/approaches to support the child will also be recorded and this provides a regular review point for the Virtual School too.

If the child is previously looked after, the school will engage with parents and the school's Designated Teacher for Looked after children. The school may also seek advice from the Virtual School Head for strategies to support the pupil.

### **Duty to Inform parents about an exclusion**

The headteacher will inform parents about a suspension or exclusion without delay. This will be by phone and in writing. The letter will explain the reason for the suspension/ exclusion, period of suspension or that the exclusion is permanent, the parent's right to make representation to the governing body, how representations should be made, that where there is a legal requirement for the governing body to consider the suspension/ exclusion that the parents/ pupil have the right to attend/ be represented at a meeting and can bring a friend if they choose. Parents/carers will also be informed about their duty to comply with the child not being in a public place during normal school hours without a reasonable justification (eg illness and visiting the doctor).

### **Risk of prosecution if child is found in public place**

For the first 5 school days of an exclusion, it is the parent/ carer's responsibility to make sure their child isn't in a public place during normal school hours unless there is a good reason.

**Any parent who fails to comply with this duty without reasonable justification commits an offence and may be given a fixed penalty notice or be prosecuted.**

## **Informing others of an exclusion**

The headteacher will also inform the following as appropriate:

**Governors** – for all suspensions over 5 days in a school term or permanent exclusions

**Local Authority** – all school suspensions and exclusions regardless of duration.

**Virtual School Head** – if child is Looked after or previously looked after

**Social Workers** – where the child has social care involvement or the incident is of such concern that social care should be informed.

## **Challenging an Exclusion**

You'll get a letter from the school telling you what to do if you disagree with the exclusion.

You can ask the school's governing body to overturn the exclusion if either:

- your child has been excluded for more than 5 days
- the exclusion means they'll miss a public exam or national curriculum test

If the exclusion is for 5 days or fewer, you can still ask the governors to hear your views but they can't overturn the headteacher's decision.

## **Challenging permanent exclusion**

You'll be invited to a review meeting with the school's governors if your child has been permanently excluded. This will happen within 15 school days.

If the governors don't overturn the exclusion, you can ask for an independent review by your local council. The governors must tell you how to do this.

If your child is still excluded you can ask the [Local Government Ombudsman](#) (or the [Education Funding Agency](#) if the school's an academy or free school) to look at whether your case was handled properly. They can't overturn the exclusion.

## **Discrimination and other complaints**

You can make a claim to a court or a tribunal if you think your child's been [discriminated against](#). You need to do this within 6 months of the exclusion.

Contact the [Equality Advisory Support Service](#) for help and advice.

For more general complaints (eg if you don't want to challenge the exclusion but you're not happy with the way the school handled it), follow the normal [school complaints process](#).

## **Related policies:**

- Behaviour Policy
- Child Protection Policy
- Child on Child Abuse Policy
- Positive Handling Policy
- Anti-Bullying Policy
- Equality Policy
- Health and Safety Policy
- Complaints Policy
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**Legislation and guidance relating to this policy:**

- 'Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement: Guidance for maintained schools, academies, and pupil referral units in England'. DFE September 2022.
- The Education Act 2002, as amended by the Education Act 2011;
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
- The Education 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.