

Hillborough Junior School

School Suspension and Permanent Exclusion of Pupils Policy



Adopted: 2019

Reviewed: September 2022

Next review: September 2023

Hillborough Junior School has the highest concern for the safety and wellbeing of the whole school community, and we work hard to ensure that our ethos and environment supports student learning and success. Suspension or permanent exclusion is a sanction used only as a last resort, and we aim to reduce the need for the use of it as far as is possible. This policy outlines the school's use of suspension and permanent exclusion and is supported by our **school behaviour policy**, a copy of which can be found on our school website or a paper copy can be obtained from the school office upon request.

1. Power to suspend or permanently exclude

The Headteacher is the only member of staff within the school who can suspend or permanently exclude a pupil. In the absence of the Headteacher, the deputy head or acting headteacher can make this decision.

The governing board can review the Headteacher's decision and consider representations from parents of suspended or permanently excluded pupils. They may direct the reinstatement of the pupil, or uphold a suspension or permanent exclusion after a review, but they cannot suspend or permanently exclude a pupil themselves. For more information on the governing board's role in suspensions and permanent exclusions, see section 5.

In making decisions on suspensions and permanent exclusions, the Headteacher and governing board must have regard to the [statutory guidance](#) issued by the Department for Education (DfE) (Sept 2022) which in turn has due regard for the following related legislation:

- [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](#)
- [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](#)
- [Equality Act 2010](#)
- [Children and Families Act 2014](#)

2. Grounds for suspension or permanent exclusion

Any suspension or permanent exclusion, will flow from a breach or breaches of the behaviour policy. In accordance with DfE guidance on suspensions and permanent exclusions, a permanent exclusion may only be

imposed 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 and/or welfare of the pupil or others in the school community.

In line with the school's behaviour policy, the following actions are examples of unacceptable behaviour which may result in permanent exclusion or suspension:

- serious verbal abuse to staff and others
- serious verbal abuse to pupils
- physical abuse to/attack on staff
- physical abuse to/attack on pupils
- indecent behaviour
- damage to property
- misuse of illegal drugs
- misuse of other substances
- theft
- serious actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson
- unacceptable behaviour which has previously been reported, and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

3. Types of exclusion

3.2 Permanent exclusion

Permanent exclusion is an extremely serious sanction, and a step taken by the school only as a last resort. In most cases, permanent exclusion will be used only after various alternative strategies have been tried to improve behaviour but have been unsuccessful. There are, however, some situations in which permanent exclusion on the first offence is the only option. These may include:

- serious, actual or threatened violence against another pupil or a member of staff
- sexual abuse or assault
- supplying an illegal drug
- carrying an offensive weapon
- arson.

The list is not exhaustive but provides an indication of the severity of the offence which may lead to permanent exclusion.

It may be necessary for the school to involve the police if the offence warrants it. All permanent exclusions will be reviewed by the governing board to ensure that the headteacher's decision was lawful, reasonable and fair. The headteacher can withdraw an exclusion that has not yet been reviewed by the governing board. The parents, the governing body and local authority will be notified of this and, where relevant, the social worker and Virtual School Head (VSH)

3.3 Suspension

The length of a suspension will be set out by the school at the start of the suspension period. If a pupil is suspended for more than 45 days in one school year, they will be permanently excluded.

A suspension may result from a serious breach or persistent breaches of the school's behaviour policy. It may be a first offence or persistent disruptive behaviour that requires a tougher sanction than other sanctions available to the school under the behaviour policy, but does not warrant permanent exclusion.

A permanent exclusion may follow on from a suspension by the Headteacher if the circumstances warrant it. This will generally be in cases where further evidence comes to light during the school's investigation. In this case, parents or carers will be notified in writing of the decision to permanently exclude the pupil, together with the reasons for doing so. During suspensions and permanent exclusions, daytime supervision of the child is the responsibility of their parent or guardian for the first 5 days of the suspension/exclusion period.

An suspended or permanently excluded pupil has no automatic right to take a public examination or National Curriculum tests on the school's premises. The governing board can decide whether or not to allow the pupil to sit the tests, and this will depend on the seriousness of the reason for suspension/exclusion.

3.4 Lunchtime suspension

This is a type of suspension and will not be used as a long-term solution to a behaviour problem. A lunchtime suspension counts as half a day when calculating total number of days of suspension.

The school may decide to suspend a pupil from the school premises during the break at lunchtime if their behaviour during this time is very disruptive or dangerous to other pupils and breaches the behaviour policy. Arrangements will be made for parents or carers to collect the suspended pupil and supervise them if their age or vulnerability warrants it. The school will not normally invoke a lunchtime suspension for any period longer than a week. If the problem persists, alternative strategies will be looked at to deal with managing the pupil's behaviour.

Pupils who are entitled to free school meals will still be given this provision over their period of lunchtime suspension.

4. Making the decision to exclude/suspend

Suspension/exclusion of any sort, for any period of time, is taken very seriously by the school, and the decision to exclude/suspend is not taken lightly. Various alternative strategies to manage behaviour will usually be tried before suspension/exclusion, as this sanction is only used as a last resort unless the behaviour exhibited equates to a serious breach of the behaviour policy.

If it is decided that suspension/exclusion is necessary, the parents or carers of the pupil will be notified, and the circumstances surrounding the suspension/exclusion will be formally recorded.

4.2 Alternative behaviour management strategies

Internal Exclusion/Detention

If a pupil needs to be removed from a lesson that is in progress, or a social situation, for disruptive behaviour or to calm down, it may be necessary to place that pupil elsewhere in the school. This may occur over break times and will be used in circumstances where it is not necessary to remove the pupil from the school site, but separation is needed. They will be placed in another class or somewhere where appropriate support and supervision can be provided.

Hillrise Specialist Behaviour Provision

If a pupil exhibits extreme behaviours that continue to disrupt their learning and the learning of others, it may be warranted to refer the pupil to Hillrise Specialist Behaviour Provision. The support given may include some time spent at the provision or some outreach work done at the school. This will be a referral process and will require parental consent.

In-Year Fair Access Protocol

This protocol will be used if a pupil is at risk of permanent exclusion or has been permanently excluded or where the relationship between home and school has seriously broken down. Heads of the south area schools will meet to discuss the best placement for the pupil. Parental choice will always be taken into consideration but this will not be the deciding factor. This protocol will not be used for pupils in receipt of an Education, Health Care Plan (EHCP) or pupils that are looked after or previously looked after. Refer to the In-Year Fair Access Protocol for Primary Schools and Academies for further information.

Mediation

If there is a conflict between two or more pupils, a member of staff will sit down with those involved and attempt to mediate the situation through discussion. This strategy may also be used if there is a conflict between a teacher and a pupil.

4.3 Looked-after children and young people

Hillborough Junior School understands that looked-after children and young people may be more susceptible to having behavioural problems due to additional problems they may face at home. We work in conjunction with all relevant childcare authorities to support looked-after children and try every possible means of keeping them in school. Before any decision to suspend or permanently exclude is made, the school will (as appropriate):

- consult the LA about alternative options to support a looked-after pupil
- consult the LA about what alternative provision will be available if the pupil is suspended or permanently excluded
- involve the child's social worker as early as possible to help the school avoid suspension or permanent exclusion
- work with the foster carer to improve the pupil's behaviour.

4.4 Pupils with special educational needs or a disability (SEND)

Pupils with SEN

Our school's full SEN provision is outlined in our **special educational needs policy and the SEN Information Report** which is available on the school website or in paper form from the school office upon request. We work hard to include students who have behavioural difficulties or difficulties with elements of social interaction as part of their SEN. The school will try every practical alternative to suspension or permanent exclusion, but there may be some cases where it cannot be avoided.

If a permanent exclusion is made, the Headteacher will use the time between the initial decision and the governing board's review to see whether a change of circumstances might enable the school to withdraw the exclusion. It may be the case that more support is needed for the pupil, or that it is in the child's best interest that their EHC Plan be changed to name a different school, in which case the school will work with the LA and the child's parents or carers to make the transition as smooth as possible.

Pupils with a disability

If a pupil with a disability is under consideration for suspension or permanent exclusion, the Headteacher will ensure that all other possible options have been tried. To justify suspending or permanently excluding a pupil with a disability for a reason related to their disability, there must be material and substantial reason. The erosion of order and discipline in the school may be material and substantial justification, but only if reasonable adjustments have been made for the pupil's disability.

4.5 Ethnicity

Hillborough Junior School does not discriminate against any person and our school ethos is one of inclusion, equality, and diversity. If any person feels that they have been discriminated against due to their ethnicity they may make a formal complaint to the school following the process outlined in our **school complaints**

procedure. Where the issue arises in relation to a suspension or permanent exclusion, the school will deal with any concerns raised by parents through the consideration of parental representations within the suspension/exclusion framework.

4.6 Investigating the circumstances

Disruptive behaviour or actions that may warrant discipline will always be investigated before the decision to suspend or permanently exclude is made.

Before the decision to suspend or permanently exclude is made, the Headteacher will:

- ensure that the school has undertaken a thorough investigation
- consider all the evidence available
- encourage the pupil to give his or her version of events
- take into account the school's behaviour policy and all other relevant school policies including equal opportunities policy
- find out whether the behaviour may have been provoked, for example in the case of racial or sexual harassment, or bullying
- consult other people as necessary (but not anyone on the governing board or management committee who may later have a role in reviewing the decision)
- written record of discussions, interviews and actions, and retain copies of written records made by other members of staff, ensuring that witness statements are dated and signed if possible.

4.7 Confidentiality

The school will deal with all cases of suspension and permanent exclusion and the surrounding circumstances confidentially. Information will be shared only with those who need to know it, and a breach of this may result in disciplinary action.

4.8 Recording and notifying the decision to suspend or permanently exclude

All suspensions and permanent exclusions will be formally recorded and the Headteacher will contact the parents or carers of the pupil immediately once the decision has been made to suspend or permanently exclude, specifying why this action has been taken and the length of time that it will last. If the pupil is over 18, they will be notified directly. The decision will be confirmed in writing. The Headteacher will notify the governing board and LA, without delay, regardless of the length of time of the suspension. If the pupil has a social worker, or if the pupil is looked after, the Headteacher will also notify the social worker and the VSH without delay as applicable.

5. Reviewing a suspension or permanent exclusion

The governing board will review suspensions of any length on request by parents who feel that the sanction is unjustified. A meeting will not always be required. They will automatically review all cases of permanent exclusion, as well as any suspensions that would lead to a pupil being suspended for more than 15 days of a school term or missing a public exam. The governing board will look at the evidence and the records leading up to the suspension or permanent exclusion and decide whether, in light of the evidence and his/her legal duties, the Headteacher has made a lawful, reasonable and fair decision.

The review hearing will be minuted by the clerk.

Parents who want a review of the suspension or permanent exclusion can contact the governing board. Subject to the type and length of the suspension/exclusion imposed by the Headteacher, parents will be invited to a review meeting and are entitled to bring a friend or legal representative with them. Parents will be asked to provide the governing board with any written statements or evidence that they might have relating to the suspension or permanent exclusion prior to the review meeting so that these can be circulated. There will be an opportunity during the meeting for parents to ask questions of the other parties. If the child has social

worker or is a looked after child, the social worker and VSH will be made aware of the meeting and they may attend the meeting if they wish to.

The pupil concerned is encouraged to attend if they are able to fully understand the proceedings. Hillborough Junior School believes that pupils should be encouraged to take part in the review process and feel that they are listened to. This will hopefully increase the chance of a positive behaviour pattern emerging in the future.

The Governing body can be contacted through the Clerk of the Governing Body – Michelle O’Driscoll on 01582 613331.

5.2 Notification of the governing board decision

Parents will be notified of the outcome of the governing board review meeting in writing. This letter will also outline how parents can request a review by the independent review panel if they are unhappy with the outcome of the governing board’s review. The outcome of the governing board meeting will be one of the following.

- **Upholding the suspension or permanent exclusion**

If the governing board finds that the suspension or the permanent exclusion decision was lawful, reasonable and fair, they will uphold the decision to suspend or permanently exclude. In this case, a letter will be sent to the parent or carer of the child outlining:

 - the decision
 - the reason for the decision
 - the parent’s right to request an independent review panel
 - the name and contact details of the person to whom to send the request
 - the date by which the request and the reasons for it should be given
 - that the notice of appeal must set out the reasons for the request
 - the right to an SEN expert to attend the independent review panel
 - the right to have a representative at the independent review panel at the parents’ own expense
 - that allegations of disability discrimination may also be pursued to the First Tier Tribunal (SEND Tribunal)
 - That a claim to the county court can be made for other forms of discrimination.

- **Reinstating the pupil**

If the governing board decides that the decision to suspend or permanently exclude was not lawful, reasonable or fair in light of the evidence and the duties of the headteacher, the governing board must reinstate the pupil immediately or by a given date. If the latter option is chosen support will be given to ensure that the pupil is easily reintegrated into the school. This will include a reintegration interview with the headteacher and parent or carer on school grounds, during which a pastoral support plan will be drawn up.

A copy of the letter detailing the outcome will be put in the student’s academic records along with any relevant papers. The governing board may also decide to arrange for an educational provision offsite to improve the child’s behaviour, such as an anger management course.

6. During a suspension or permanent exclusion

Although the Headteacher has made the decision to suspend or permanently exclude a pupil, we maintain responsibility for the education of that child and will do everything that we can to minimise the disruption to their education.

For the first five days of any type of suspension or permanent exclusion, the school will set and mark work that the child should complete at home under parental supervision. Should the child have a social worker or is a looked after child, the school and local authority will work together to try to arrange alternative provision from the first day following suspension or permanent exclusion. This may not be always possible.

From the sixth day onwards, if suspended, the school will arrange for alternative full-time educational provision. If the exclusion is permanent, the LA will arrange for this provision having assessed the child's needs. Alternative provision might be arranged at:

- another school in the area
- a shared joint facility
- a pupil referral unit
- a private provider

If the child has an Education, Health and Care Plan (EHCP), the alternative provision will meet those needs.

7. Review of data.

The Headteacher will provide data regarding suspensions and fixed term exclusions via his termly report to governors. Governors should challenge this data with careful regard to the characteristics of pupils that have been suspended or permanently excluded to ensure that the sanction is used when necessary, only as the last resort.

Governors should also consider the cost implications of directing pupils to be educated off-site at alternative provisions and whether there are patterns to the reasons or timings of these moves.

8. Linked policies and procedures

This policy should be read in conjunction with:

- The School Behaviour Policy
- The Child Protection and Safeguarding Policy
- The Special Educational Needs and Disability Policy
- The Home School Agreement

Signed by

_____ **Chair of governors**

Date:

_____ **Headteacher**

Date:

This policy will be reviewed annually