



Internal Exclusions, Suspensions and Permanent Exclusions Policy

River Bank Primary School

Autumn 2022

Introduction

This policy is supported by the School Discipline (Student Exclusions and Reviews) (England) Regulations 2012, accompanied by statutory guidance on school exclusions issued by the Department for Education (Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England including pupil movement 2022). It sets out the process by which exclusions and appeals are managed by River Bank Primary School.

This policy should be read in conjunction with and with reference to:

- behaviour management policy
- anti-bullying policy
- special educational needs and disability (SEND) policy
- safeguarding policy

Aims

Good discipline at River Bank Primary School is essential to ensure that all pupils can benefit from the opportunities provided and fulfil their potential. We will endeavour to avoid permanent exclusion wherever possible and use only as a last resort, 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 in the school. We will also ensure that any decisions to exclude are not made in a way which unfairly and disproportionately affects particular ethnic groups, pupils with disabilities or those with SEND.

Definition

Exclusion, within this policy may be one of three types:

- Internal Exclusion (when a pupil is excluded from normal lessons, but remains within the school)
- Suspension (the term suspension is a reference to what is described in the legislation as an exclusion for a fixed period) determined by the headteacher, or in their absence, the deputy head teacher.
- Permanent Exclusion (where steps are taken to permanently remove the pupil from the school)

Rationale

Permanent exclusions and suspensions are an extreme sanction and will be avoided wherever possible, however the decision to recommend a pupil for a suspension or permanent exclusion will be taken in the following circumstances:

- in response to a serious breach of the school's behaviour policy
- in response to persistent breaches of the school's behaviour policy
- if allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the school.

The Law

Only the headteacher, or deputy headteacher in their absence, can exclude a pupil and this must be on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or permanently excluded. A suspension does not have to be for a continuous period. In exceptional cases, usually where further evidence has come to light, an additional suspension may be issued to begin immediately after the first period ends. Also in exceptional circumstances, a permanent exclusion may be issued to begin at the end of a suspension.

The Headteacher may cancel an exclusion that has not been reviewed by the governing body (sometimes known as withdrawing or rescinding). If this occurs, the parents, governing body and the local authority will be notified, and if relevant, the social worker and virtual school headteacher.

Any decision of the school, including suspension and permanent exclusion, 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 exclusions and a school's wider legal duties, including the European Convention of Human Rights); rational; reasonable; fair; and proportionate.

Headteachers, or deputy headteachers in their absence, must take account of their legal duty of care when sending a pupil home following a suspension or permanent exclusion.

When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher or deputy headteacher in their absence, 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'.

Responsibility for Suspension and Exclusion

Only the headteacher (or, in the absence of the head, the deputy head who is acting in that role) can suspend or permanently exclude a pupil.

Causes for Internal Exclusion, Suspension or Permanent Exclusion

Internal exclusion, suspension and permanent exclusion may be used for any of the following, all of which constitute examples of unacceptable conduct and are infringements of the school's Behaviour Policy:

- Actions that put the pupil or others in danger
- Verbal or threatening behaviour against an adult
- Verbal or threatening behaviour against a pupil
- Physical assault against an adult
- Physical assault against a pupil
- Bullying
- Racist abuse
- Indecent behaviour
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

- Damage to property
- Possession, misuse or supplying of illegal drugs
- Possession, misuse or supplying of other substances
- Theft
- Sexual abuse or assault
- Carrying an offensive weapon (*offensive weapons are defined in the Prevention of Crime Act 1953 as "any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him."*)
- Arson
- Unacceptable behaviour that has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour

This is not an exhaustive list and there may be other situations where the headteacher makes the judgment that suspension or exclusion is an appropriate sanction.

Internal Exclusion, Suspension and Permanent Exclusion Procedures

Internal Exclusion

An internal exclusion will be implemented for a misdemeanour of sufficient seriousness as to warrant a pupil being removed from lessons, but not so serious as to warrant removal from school. As stated above, all efforts will be made to keep the pupil in school, so as to support his/her education and it will only be in the most severe circumstances (or a repeat of earlier offences) that will lead to suspension or permanent exclusions.

Pupils internally excluded are set work by class teachers and are not allowed to take their break or lunchtime with other pupils, but will be given a separate and comparable break and lunchtime.

Parents/carers will be informed and invited into school for a meeting with a member of the senior leadership team where there is a concern about a pupil's risk of exclusion. The specific concerns will be shared and support plans developed in collaboration with the parent/carer. The protocols and procedures for suspensions and permanent exclusions will be shared with parents/carers at this stage.

Suspension (the term suspension is a reference to what is described in the legislation as an exclusion for a fixed period)

A suspension is of short duration (usually between one and five days) and may be necessary if a pupil commits an offence which is considered so serious, that it would not be appropriate for an internal exclusion. In the case of suspensions, the Department for Education allows the headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year.

Pupils who are suspended will be forbidden from attending school, or being in the vicinity of school for the term of their suspension. Under current legislation, parents/carers are obliged to take responsibility for their child if s/he is suspended and ensure that they are not in a public

place without good reason during school hours within the first five school days of any suspension. If they do not, the school or local authority may issue a penalty sanction.

Suspension may also be for part of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended for the duration of this period. The legal requirements remain the same and parents/carers will be notified. These suspensions will count as half a day.

Parents/carers must also ensure that their child attends the suitable full-time education provided by the governing body from the sixth day of suspension. For example, alternative provision.

The school will set and assess work for pupils who are suspended for the first five days of the suspension. This might include using online pathways such as Google Classroom and Oak National Academy. Reasonable adjustments will be made for pupils with disabilities.

The school will inform parents immediately by phone call when the decision has been taken to issue a suspension for their son/daughter. This will be followed, subsequently by a letter in which the terms of the suspension are set out, together with the time and date of the re-admission meeting. Parents/Carers are also informed that they have a right to make an appeal to the headteacher if they wish to challenge the terms of the suspension.

The local authority, governing body and, where the child has a social worker, the social worker and virtual school head will be notified in the event of any suspension.

Permanent Exclusion

The decision to exclude a pupil permanently is a serious one and will never be taken lightly. In doing so, we recognise that a permanent exclusion may have a serious impact upon a pupil's life chances. In addition, permanent exclusion will not be sought, unless there is an immediate threat to the safety of others in the school or the pupil concerned.

There are two main types of situation in which permanent exclusion may be considered.

1. A final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent breaches of the school's behaviour policy, including bullying or repeated possession and/or use of an illegal drug on school premises or where allowing the pupil to remain in school would seriously harm the education or welfare of others such as staff and pupils in the school.
2. Where there are exceptional circumstances and it is not appropriate to implement other strategies and where it could be appropriate to permanently exclude a pupil for a serious breach of the school's behaviour policy where allowing the pupil to remain in school would seriously harm the education or welfare of others such as staff and pupils in the school. These might include the causes listed above on pages 3 and 4.

The school will consider police involvement for any of the above offences.

These instances are not exhaustive but indicate the severity of such offences and the fact that such behaviour seriously affects the discipline and well-being of the school.

Before deciding whether to suspend or permanently exclude a pupil the headteacher will:

- Ensure that appropriate investigations have been carried out.
- Ensure that all evidence available to support the allegations have been collated, considering the school's Behaviour and Equality Policies.
- Ensure that the pupil has been allowed to give her/his version of events.
- Ensure that there is no evidence that may indicate that the incident may have been provoked for example by bullying or by racial or sexual harassment.
- Consider working with an alternative provision provider for outreach support or exploring short-term places as a time limited intervention as a way of improving future behaviour, not as a sanction.
- Consider a managed move, through the local authority Fair Access Protocol. These should be voluntary, agreed by all parties and only in the best interests of the pupil.

If the headteacher is satisfied that, on the balance of probabilities, the pupil did what he or she is alleged to have done, permanent exclusion may be the outcome.

The local authority, governing body and, where the child has a social worker, the social worker and virtual school head will be notified in the event of any permanent exclusion.

Exercise of Discretion

In reaching a decision on suspension or permanent exclusion, the headteacher will always look at each case on its own merits, in conjunction with any previous incidents. Therefore, a tariff system, fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the headteacher will consider:

- The gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the behaviour policy
- The effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff. Nonetheless, in the case of a pupil found in possession of an offensive weapon, whether there is an intention to use it or not, it is the school's usual policy in this particularly serious matter is to issue a permanent exclusion and possibly involve the police.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors' Exclusion Panel when it meets to consider the headteacher's decision to permanently exclude. This committee will require the headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil's school record, witness statements and the strategies used by the school to support the pupil prior to permanent exclusion.

The school will inform parents immediately by phone call when the decision has been taken to issue a permanent exclusion for a pupil. This will be followed, subsequently by a letter in which the terms of the permanent exclusion are set out. Parents/carers are also informed of their rights regarding an appeal of the terms of the permanent exclusion. The local authority, governing body and, where the child has a social worker, the social worker and virtual school head will be notified in the event of any suspension or permanent exclusion.

SEND Students and Permanent Exclusion

Whether or not the school recognises that a pupil has special educational needs or disability (SEND), all parents have the right to request the presence of a SEND expert at an independent review panel (IRP). The SEND expert's role is to provide impartial advice to the panel about how SEND could be relevant to the suspension or exclusion; for example, whether the school acted reasonably in relation to its legal duties when suspending or excluding the pupil. An IRP will meet if an appeal is made following the governors' decision to uphold a permanent exclusion.

Appealing a Permanent Exclusion

Where parents dispute the decision of a governing body not to reinstate a permanently excluded pupil, they can ask for this decision to be reviewed by an independent review panel (IRP). Where there is an allegation of discrimination (under the Equality Act 2010) in relation to permanent exclusion, parents can also make a claim to the First-tier Tribunal (for disability discrimination).

An independent review panel does not have the power to direct a governing body to reinstate an excluded pupil. However, where a panel decides that a governing body's decision is flawed when considered in the light of the principles applicable on an application for judicial review, it can direct a governing body to reconsider its decision.

The panel may only quash the decision of the governing body if the school has acted "illegally, irrationally or where there are significant flaws in procedure".

- Illegally – did the headteacher and/or governing body act outside the scope of their legal powers in taking the decision to exclude
- Irrationally – was the decision of the governing body not to reinstate the student so unreasonable that it was not one a sensible person could have made?
- Procedural impropriety – was the process of exclusion and the governing body's consideration so unfair or flawed that justice was clearly not done?

If the governing body does not subsequently offer to reinstate a pupil, the panel will be expected to order that the school makes an additional payment of £4,000. This payment will go to the local authority towards the costs of providing alternative provision.

Alternatives to Permanent Exclusion

Alternative strategies to permanent exclusion are always used if possible and the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Behaviour Outside School

Pupil behaviour outside school on school "business" for example educational visits and travelling to and from school is subject to the school's behaviour policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school. Serious infringements of the school's behaviour policy that occur 'outside of' the school may lead to a suspension or permanent exclusion.

Review of Internal Exclusions, Suspensions and Permanent Exclusions

The senior leadership team review all internal exclusions, suspensions and permanent exclusions from the school.

The senior leadership team review suspensions that would lead to a pupil being excluded for over five days but not over 15 days in a school term where a parent/carer has expressed a wish to make representations.

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.

Re-admission Meetings and Re-integration

Schools will support pupils to reintegrate successfully into school life and full-time education following a suspension or period of off-site direction. School will design a reintegration strategy that offers the pupil a fresh start; helps them understand the impact of their behaviour on themselves and others; teaches them to how meet the high expectations of behaviour in line with the school culture; fosters a renewed sense of belonging within the school community; and builds engagement with learning.

The reintegration strategy should be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, school will communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success. Where possible this meeting should include the pupil's parents. However, it is important to note that a pupil should not be prevented from returning to a mainstream classroom if parents are unable or unwilling to attend a reintegration meeting. To ensure ongoing progress, the strategy should be regularly reviewed and adapted where

necessary throughout the reintegration process in collaboration with the pupil, parents, and other relevant parties.

Where necessary, schools will work with relevant staff and multi-agency organisations, such as 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.

A part-time timetable will not normally be used to manage a pupil's behaviour but if necessary, will only be in place for the shortest time necessary. Any pastoral support programme or other agreement will have a time limit by which point the pupil is expected to attend full-time, either at school or alternative provision. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, a school has agreed to a pupil being absent from school for part of the week or day and therefore must treat absence as authorised

School will consider a range of measures to enable the pupil's successful reintegration which can include, but are not limited to:

- Maintaining regular contact during the suspension or off-site direction and welcoming the pupil back to school;
- Daily contact with a designated pastoral professional in-school;
- Use of a report card with personalised targets leading to personalised rewards;
- Ensuring the pupil follows an equivalent curriculum during their suspension or off-site direction or receives academic support upon return to catch up on any lost progress;
- Planned pastoral interventions;
- Mentoring by a trusted adult or a local mentoring charity;
- Regular reviews with the pupil and parents to praise progress being made and raise and address any concerns at an early stage;
- Informing the pupil, parents and staff of potential external support.

Dissemination of the Policy

A copy of this Policy is available to download from the school web site.