

Learning for Ourselves, Respect, We Can



Exclusion/Suspension Policy (Statutory)

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Introduction

This policy is linked to our Behaviour and Relationships Policy and deals with the policy and practice which informs the school's use of suspension or exclusion. It is underpinned by the school's behaviour policy and practice which aims to maximise learning through a positive approach to all pupils. The policy ensures the safety and well-being of all members of the school community, in maintaining an appropriate educational environment in which all can learn and succeed. This policy requires children to make the correct behaviour choices. If school expectations are not being met, then a range of sanctions can be applied to individual circumstances. Children who persistently behave in an inappropriate manner or who are involved in 'one off incidents' may be at risk of exclusion. Exclusions will be carried out in line with statutory guidance: [Exclusion from maintained schools, academies and pupil referral units in England](https://www.gov.uk/government/publications/school-exclusion). <https://www.gov.uk/government/publications/school-exclusion>

West Sussex Children and young people at risk of exclusion Local Offer states ""A child or young person can only be excluded from school 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."

Scope

This policy applies on school premises during school hours, on visits and trips, during any other events or occasions related to the school and any occasions where the children are the responsibility of school staff. The policy applies when the children are off site on a residential visit. It does not apply on non-school days such as INSET or staff training days.

Exclusion, whether fixed term suspension or 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 and relationships Policy:

- Verbal abuse to staff and others
- 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/abuse, possession or supply (to include drug paraphernalia)
- Misuse of other substances (to include e-cigarettes)
- Theft
- Serious actual or threatened violence against another pupil or a member of staff
- Sexual abuse or assault
- Supplying an illegal drug
- Possession of an offensive weapon
- Arson
- Inappropriate use of ICT, including social media and mobile phones (see ESafety & Acceptable Use of ICT policy)

- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the child's behaviour.

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

Internal Suspension

In some cases, children may be internally suspended. This decision may be taken if the school believes this best serves the needs of the child. This gives children an opportunity to reflect and the school an opportunity to put processes and strategies in place to support the child's behaviours.

External Suspension

The decision to suspend a child will be taken in the following circumstances:

- In response to a serious breach of the school's Behaviour and Relationships Policy
- If allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school.

Lyndhurst Infant School will ensure that in all cases the decision to exclude is lawful, responsible and fair. Exclusion is an extreme sanction and is only authorised by the Head Teacher, or in the absence of the Head Teacher, the Deputy Head Teacher who is deputising in that role (wherever possible this was include telephone confirmation from the Head Teacher).

Exclusion/Suspension Procedure

Most exclusion is of a fixed term nature (suspension) and of short duration (usually between one and five days). This type of suspension is free standing. It can be used by the Head Teacher as a method of punishment and to put further support into place. It is also usually used in conjunction with the stages outlined in the disciplinary procedure. The DfE regulations allow the Head Teacher to exclude a child for one or more fixed periods not exceeding 45 school days in any one school year.

The governing body has established arrangements to review promptly all permanent exclusions from the school and all fixed term exclusions that would lead to a child being excluded for over 15 days in a school term or missing a public examination. (In relation to procedural matters pertaining to the composition and operation of the governing body's Exclusions Panel, the governing body has agreed to adopt the procedural guidelines prepared by the West Sussex County Council.)

The governing body has established arrangements (a core group of Governors and an appeals panel) to review fixed term exclusions which would lead to a child being excluded for over five days but not over 15 days in a school term where a parent has expressed a wish to make representations. Following exclusion/suspension, parents are contacted immediately where possible. A letter will either be sent by post or handed to the parent giving details of the exclusion and the date the exclusion or suspension ends. Parents have a right to make representations to the governing body and the local authority as directed in the letter.

For a fixed period of fewer than five days, the school will take all reasonable steps to set work for the child. If the suspension is for one day, this may not be possible, so children would be expected to complete any outstanding homework or work on on-line study resources. For more than five school days, the governing body will arrange suitable full time education for any child of compulsory school age. This provision must begin no later than the sixth day or the exclusion.

For permanent exclusions the local authority must arrange suitable full time education for the child to begin no later than the sixth day of the exclusion. During the course of fixed term exclusion, parents are advised that the child is not allowed on the school premises, and that daytime supervision is their responsibility as parents/guardians. Parents could face a fixed penalty notice if their child is found in a public place during school hours without reasonable justification. From day 6, parents must ensure that the child attends full time education by the designated provider.

A reintegration meeting will normally be held following the expiry of the fixed term exclusion/suspension and this will usually involve a member of the Senior Leadership Team. It is school practice to place the child on report to a senior member of staff. Where it is deemed appropriate, a Pastoral Support Plan will be drawn up and agreed with the school, child and parents. Time away from peers with a senior member of staff is also often used as a means to reintegrate a child who has served an external exclusion.

West Sussex Children and young people at risk of exclusion Local Offer states “If a pupil has had a number of Fixed Term Exclusions in a period of 2 terms, school is advised to contact the Fair Access Team. fairaccess@westsussex.gov.uk

West Sussex’ [Fair Access](#) Team will guide the school through the Graduated Approach, to ensure that school has considered how to meet need. The expectation is that school will have followed the cycle of Assess, Plan, Do, Review, giving each cycle some time to embed the support and monitor impact.

[Pupil Entitlement](#) works with Schools and Families to ensure children and young people have access to their entitlement to a suitable education. Advice Line: 03302 228200

School will be expected to have already explored:

- Ordinary Available Inclusive Practice (OAIP) document
- Discussed pupil at consultation and Review Meeting (CARM)
- [Personal Support Plan](#) (PSP)
- Support from specialist services if pupil is from a vulnerable group (Ethnic Minority and Traveller Achievement Service (EMTAS), Virtual school for Children that are Looked After, Sensory Support Team, Community Mental health Liaison Service (CMHLS), Children Services, etc.)

- Referred for advice from Learning and Behaviour Advisory Team (LBAT)/ Autism and Social Communication Team (ASCT)
- Considered family support e.g. Early Help Plan

Fair Access may be able to signpost to additional therapeutic agencies or support a referral to the West Sussex Alternative Provision College Inclusion Team, who can offer a range of support strategies and direct working with the pupil.

Sometimes schools may need help identifying appropriate teams for particular behaviours and Fair Access will advise on process e.g. to access support for children displaying harmful sexualised behaviours or mental health needs.

Should there be little impact from these strategies, it is likely that the pupil should be considered for an [Educational Health and Care Assessment Request](#) and a conversation with an EP.

If a child is at risk of exclusion who already has an EHCP, conversations with SENAT to explore appropriate ways of meeting needs must be had in the first instance and an Emergency Annual Review called to review support and provision and find alternatives to exclusion.

Permanent Exclusion

The decision to exclude a child permanently is a serious one. There are two main types of situation in which permanent exclusion may be considered:

1. The first is a final, formal step in a concerted process for dealing with disciplinary offences following the use of a wide range of other strategies, which have been used without success. It is an acknowledgement that all available strategies have been exhausted and is used as a last resort. This would include persistent and defiant misbehavior, including bullying (which would include racist or homophobic bullying) or repeated possession and/or use of an illegal drug on school premises.
2. The second is where there are exceptional circumstances and it is not appropriate to implement other strategies, and where it could be appropriate to permanently exclude a child for a first or 'one off' offence. These might include:
 - Serious or actual threatened violence against another child or a member of staff
 - Sexual abuse or assault
 - Supplying an illegal drug
 - Carrying an offensive weapon
 - Arson

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.

General factors the school considers before making a decision to exclude

Exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the child concerned. Before deciding whether to exclude a child either permanently or for a fixed period, the Head Teacher will:

- Ensure appropriate investigations have been carried out
- Consider all the evidence available to support the allegations, taking into account the Behaviour and Equality policies
- Allow the child to give their version of events
- Check whether the incident may have been provoked, for example by bullying or by racial or sexual harassment.

If the Head Teacher is satisfied that, on the balance of probabilities, the child did what is alleged to have happened, exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Head Teacher will always look at each case on its own merits. Therefore, a tariff system, fixing a standing penalty for a particular action, is both unfair and inappropriate. In considering whether permanent exclusion is the most appropriate sanction, the Head Teacher will consider:

- The gravity of the incident or series of incidents, and whether it constitutes a serious breach of the school's behaviour policy procedures, and the effect that the child remaining in school would have on the education of other children and staff.
- In the case of a child 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 to issue a permanent exclusion.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the governing body's Exclusions Panel, when it meets to consider the Head Teacher's decision to exclude. This Panel will require the Head Teacher to explain the reasons for the decision and will look at appropriate evidence, such as the child's school record, witness statements and the strategies used by the school to support the child prior to exclusion.

Alternatives to exclusion

Involvement of outside agencies - The school works positively with all external agencies such as the Pupil Entitlement Investigation Team, Family Support Network and all of the Integrated Services. It will seek appropriate support from them to ensure that the needs of all children are met by using the range of external support available. The school also works closely with the local authority and other primary schools to undertake managed moves where such a course of action would be of benefit both to the child and the two schools concerned.

Legislation and statutory guidance

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

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

- Section 52 of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) 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 excluded pupils
- Section 579 of the [Education Act 1996](#), which defines 'school day'

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](#)

West Sussex County Council – [Reduced Timetables – Guidance for West Sussex Schools and Colleges](#).