



# Coton-in-the-Elms Primary School

## Suspensions and Exclusions Policy

Version	Last Review	Reviewed by	Next review	Comments
1	September 2022	L. McIntosh	September 2023	
2	February 2024	L. McIntosh	February 2026	Renamed as Suspensions and Exclusions policy. Now includes contents page. Policy is more comprehensive -additions based on model policy from The Key.

*Perseverance    Enjoyment    Awe and wonder    Compassion    Excellence*

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## **1 Introduction and Principles**

We are committed to following all statutory exclusions procedures to ensure that every child receives an education in a safe and caring environment. Our school aims to:

- Ensure that the exclusions process is applied fairly and consistently
- Help governors, staff, parents and pupils understand the exclusions process
- Ensure that pupils in school are safe and happy
- Prevent pupils from becoming NEET (not in education, employment or training)
- Ensure all suspensions and permanent exclusions are carried out lawfully

This policy outlines the use of exclusion as a sanction by the Headteacher when dealing with certain cases of misbehaviour. The aim of this Policy is to ensure procedural fairness and natural justice and to promote cooperation between the school and parents when it is necessary to consider exclusion as a sanction. All schools have the legal right to impose reasonable sanctions if a pupil misbehaves. Corporal punishment or the threat of corporal punishment is illegal and will never be used. This policy applies to all pupils, including those in the Early Years.

The insistence on high standards is based on the following principles:

- The foundation of mutual respect
- A focus on commending positive behaviour
- Consistency and fairness
- Affirmation of the value of the individual whilst acknowledging the inappropriateness of some behaviours

These principles are backed up by a system of rewards and, where necessary, appropriate sanctions, the most serious of which are laid out below and which are covered by this policy. This policy should be read in conjunction with the Home School Agreement, the School Behaviour Policy and the Drugs and Alcohol Policy.

## **2. Off-rolling**

A note on off-rolling Our school is aware that off-rolling is unlawful. Ofsted defines off-rolling as: The practice of removing a student from the school roll without a formal, permanent exclusion or by encouraging a parent/carer 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 student.

We will not suspend or exclude students unlawfully by directing them off site, or not allowing students to attend school:

- Without following the statutory procedure or formally recording the event, e.g. sending them home to 'cool off'.
- Because they have special educational needs and/or a disability (SEND) that the school feels unable to support.
- Due to poor academic performance.
- Because they have not met a specific condition, such as attending a reintegration meeting.
- By exerting undue influence on a parent/carer to encourage them to remove their child from the school.

## **3. Legislation and statutory guidance**

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - from September 2023.](#)

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

- Section 51a of the [Education Act 2002](#), as amended by the [Education Act 2011](#)
- [The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012](#)

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

## 4. Definitions

Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a 'fixed-term exclusion'.

Permanent exclusion – when a pupil is removed from the school permanently and taken off the school roll. This is sometimes referred to as an 'exclusion'.

Off-site direction – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.

Parent – any person who has parental responsibility and any person who has care of the child.

Managed move – when a pupil is transferred to another school permanently. All parties, including parents and the admission authority for the new school, should consent before a managed move occurs.

Internal exclusion/isolation - The school may also operate a system of 'internal exclusion'. Despite the term, internal exclusion is not registered as a formal exclusion as the pupil is not sent home from school. Internal exclusion is a sanction to accommodate those pupils who have been removed from a lesson at short notice for poor behaviour and/or conduct so that other students may continue their learning uninterrupted. The Student will be supervised by staff.

## 5. Roles and Responsibilities

### The headteacher

### Deciding whether to suspend or exclude

Only the headteacher, or acting headteacher, can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to suspend or exclude a pupil will be taken only:

- In response to serious or persistent breaches of the school's behaviour policy, **and**
- If allowing the pupil to remain in school would seriously harm the education or welfare of others

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

- Consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked
- Allow the pupil to give their version of events
- Consider whether the pupil has special educational needs (SEN)
- Consider whether the pupil is especially vulnerable (e.g. the pupil has a social worker, or is a looked-after child (LAC))
- Consider whether all alternative solutions have been explored, such as off-site direction or managed moves

The headteacher will consider the views of the pupil, in light of their age and understanding, before deciding to suspend or exclude, unless it would not be appropriate to do so.

Pupils who need support to express their views will be allowed to have their views expressed through an advocate, such as a parent or social worker.

The headteacher will not reach their decision until they have heard from the pupil, and will inform the pupil of how their views were taken into account when making the decision.

### **Informing parents**

If a pupil is at risk of suspension or exclusion the headteacher will inform the parents as early as possible, in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or exclude a pupil, the parents will be informed, in person or by telephone, of the period of the suspension or exclusion and the reason(s) for it, without delay.

The parents will also be provided with the following information in writing, without delay:

- The reason(s) for the suspension or permanent exclusion
- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- Information about the parents' right to make representations about the suspension or permanent exclusion to the governing board and, where the pupil is attending alongside parents, how they may be involved in this
- How any representations should be made
- Where there is a legal requirement for the governing board to hold a meeting to consider the reinstatement of a pupil, and that parents have a right to attend the meeting, be represented at the meeting (at their own expense) and bring a friend
- That parents have the right to request that the meetings be held remotely, and how and to whom they should make this request

If the pupil is of compulsory school age, the headteacher will also notify parents without delay and by the end of the afternoon session on the first day their child is suspended or permanently excluded, that:

- For the first 5 school days of an exclusion (or until the start date of any alternative provision or the end of the suspension, where this is earlier), the parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. This will include specifying on which days this duty applies
- 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, if possible:

- 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 the pupil needs in order to identify the person they should report to on the first day

If the headteacher does not have all the information about the alternative provision arrangements by the end of the afternoon session on the first day of the suspension or permanent exclusion, they can provide the information at a later date, without delay and 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 or permanent exclusion, in which case the school reserves the right to provide the information with less than 48 hours' notice, with parents' consent.

If the headteacher cancels the suspension or permanent exclusion, they will notify the parents without delay, and provide a reason for the cancellation.

### **Informing the governing board**

The headteacher will, without delay, notify the governing board of:

- Any permanent exclusion, including when a suspension is followed by a decision to permanently exclude a pupil
- Any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than 5 school days (or more than 10 lunchtimes) in a term
- Any suspension or permanent exclusion which would result in the pupil missing a National Curriculum test or public exam
- Any suspension or permanent exclusion that has been cancelled, including the reason for the cancellation

### **Informing the local authority (LA)**

The headteacher will notify the LA of all suspensions and permanent exclusions without delay, regardless of the length of a suspension.

The notification will include:

- The reason(s) for the suspension or permanent exclusion
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

For a permanent exclusion, if the pupil lives outside the LA in which the school is located, the headteacher will also, without delay, inform the pupil's 'home authority' of the exclusion and the reason(s) for it.

The headteacher must notify the LA without delay of any cancelled exclusions, including the reason the exclusion was cancelled.

### **Informing the pupil's social worker and/or virtual school head (VSH)**

If a:

- **Pupil with a social worker** is at risk of suspension or permanent exclusion, the headteacher will inform **the social worker** as early as possible
- **Pupil who is a looked-after child (LAC)** is at risk of suspension or exclusion, the headteacher will inform **the VSH** as early as possible

This is in order to work together to consider what factors may be affecting the pupil's behaviour, and what further support can be put in place to improve the behaviour.

If the headteacher decides to suspend or permanently exclude a pupil with a social worker/a pupil who is looked after, they will inform the pupil's social worker/the VSH, as appropriate, without delay, that:

- They have decided to suspend or permanently exclude the pupil
- The reason(s) for the decision

- The length of the suspension or, for a permanent exclusion, the fact that it is permanent
- The suspension or permanent exclusion affects the pupil's ability to sit a National Curriculum test or public exam (where relevant)
- They have decided to cancel a suspension or permanent exclusion, and why (where relevant)

The social worker/VSH will be invited to any meeting of the governing board about the suspension or permanent exclusion. This is so they can provide advice on how the pupil's background and/or circumstances that may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the pupil's welfare are taken into account.

## 6. Sanctionable behaviour

The main types of behaviour which may result in one of the above sanctions are as follows:

- Breach of school rules
- Persistent disruptive behaviour
- Persistent breach of the behaviour policy
- Persistent attitudes or behaviour which are inconsistent with the ethos of the school
- Theft, blackmail, physical violence, threatening behaviour, drug abuse, alcohol abuse, smoking, vaping, intimidation, racism, bullying, including cyber bullying
- Misconduct of a sexual nature, including sexting; supply and possession of pornography or indecent images
- Inappropriate use of social media and/or technology, including serious cases of bullying
- Possession or use of unauthorised firearms or other weapons
- Damage to property, vandalism and computer hacking
- Malicious accusations against a member of staff
- Use of discriminatory language
- Sexual harassment or Harmful Sexual Behaviour
- Sexist, racist, homophobic or transphobic abuse
- Supply, possession or use of certain drugs and solvents or their paraphernalia or substances intended to resemble them and alcohol and tobacco
- Other serious misconduct toward a member of the school community or which brings the school into disrepute (single or repeated episodes), on or off the school premises including, among others, on social media or any other means such as the publication of, or participation in the publication of, defamatory press articles.

Exclusion can also be used where one of the following is evident:

- Parental breach of contract with the school
- Parents causing serious or repeated nuisance on the school premises, acting aggressively towards staff (including via social media or electronic communication) or bringing the school into disrepute including, among others, social media, electronic communication or any other means such as the publication of, or the participation in the publication of, defamatory press articles
- Serious disagreement (on the part of the parents or the pupil) with, or contravention of, the school's policies on social inclusion, diversity or equality
- Parents not respecting the values of the School
- Failure to make payment or serious delay on the payment of the Fees or Matriculation Fee or Place Reservation Fee. (Refer to the Financial Responsibility document).

The above is not an exhaustive list and there may be other situations where the Headteacher makes the judgement that exclusion is an appropriate action.

In most cases, suspension will follow a single offence against the expectations of the school's Behaviour Policy. However, suspension may also be the result of a series of less serious offences, where repetition of these offences indicates the pupil's unwillingness to conform to an acceptable pattern of behaviour. In such cases, parents will have been consulted before a decision is reached in an attempt to correct the behaviour. The school should be able to provide evidence of the support offered to the pupil before the decision is made, in particular where the misbehaviour may be in part affected by any SEND needs.

The school will also consider whether a child's behaviour gives cause to suspect that a child is suffering, or is likely to suffer, significant harm. Where this may be the case, school staff will follow the school's Safeguarding Policy. The school will also consider whether continuing disruptive behaviour might be the result of unmet educational or other needs and whether a referral to Children's Social Care is appropriate.

In certain circumstances, the Headteacher may at her discretion exclude a pupil for a first offence which is considered sufficiently serious to warrant such a step. A pupil may also be required to leave if, after all appropriate consultation, the Headteacher is satisfied that it is not in the best interests of the pupil, or of other pupils at the school, that they remain.

A pupil who is found to have made malicious allegations against a member of school staff will be managed in accordance with this policy, which may result in exclusion from the school.

## **7. Suspension**

Only the Headteacher (or a member of staff acting on their behalf) can enforce a suspension for a pupil. Before deciding this, the Headteacher must ensure that an initial and immediate assessment of the incident(s) is made, which led to this outcome.

Once a decision has been reached, the Headteacher must inform parents without delay, in person (wherever possible) or by telephone. The Headteacher will also write to confirm the decision for a suspension and provide clear reasons for this decision, including the length of time the pupil is to be excluded for. The reasons may include a cooling off period for the pupil and time for a full investigation to take place.

A full investigation must be recorded and the notes concerning the investigation placed in the pupil's file.

For clarity, there is no right of appeal against a suspension or against the reasons given in the accompanying letter. A suspension can last anything from 1 school day to 5 school days depending on the severity of the incident. No more than 15 days of exclusion can be given in one academic term.

Work will generally be set for a pupil to do at home during the period they are not in school. In addition, consideration must be given to any relevant problems arising from the suspension especially if there are any safeguarding concerns such as lack of appropriate supervision during the period of the suspension or considerations for SEND needs such as the need to maintain a regular routine of coming to school unless unwell.



After a period of exclusion, parents and their child will be required to attend school on the day of their return for a Re-Integration Meeting. This will generally be prior to the start of the school day.

The Re-Integration Meeting will last no longer than 30 minutes and will be an opportunity for the school, parents and pupil to meet to offer a process of restorative justice and to agree expectations for future behaviours.

A pupil who has been suspended from the school has no right to enter school premises, to be on school grounds or attend school trips without the written permission of the Headteacher. This also applies in relation to external exams, and it may be, in certain circumstances, that arrangements have to be made for the pupil to take their exams isolated from their peers or elsewhere.

## **8. Permanent Exclusion**

A pupil may be excluded at any time if the Headteacher is satisfied that the pupil's conduct, whether on or off school premises or in or out of term time, has been prejudicial to good order, school discipline or to the reputation of the school. The school and the Headteacher will act fairly and in accordance with the procedures of natural justice and will not exclude a pupil other than in very serious circumstances.

In making a decision about exclusion, the Headteacher will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

The decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

Only the Headteacher (or a member of staff acting on their behalf) can exclude a pupil and before doing so they will follow the same procedure as for suspension. Before expelling a pupil, the Headteacher must seek advice from the Local Authority.

Some parents, may, after due consideration, prefer to voluntarily withdraw their child from the school rather than deal with the consequences of an expulsion. However, it must clearly be understood by all parties that the Headteacher reserves the right to insist on expulsion.

When a pupil is excluded from the school, the school should notify the local authority within 24 hours of notifying parents.

A pupil who has been excluded from the school has no right to enter school premises, to be on school grounds or attend school trips without the written permission of the Headteacher. This also applies in relation to external exams, and it may be, in certain circumstances, that arrangements have to be made for the pupil to take their exams isolated from their peers or elsewhere.

## **9. Discretion**

The decision to exclude a pupil and the manner and form of any announcement regarding such a decision should be at the sole discretion of the school, acting on the recommendation of the Headteacher. In no circumstances should the school or its staff be required to divulge to parents or others any confidential information or the identities of pupils or others who have given information

which has led to the exclusion of a pupil, or which the Headteacher has acquired during an investigation.

## **10. Involvement of External Agencies**

The school will report to the police anything they believe may amount to a criminal activity.

Where a child is struggling with their behaviour or has an additional need that results in this impact their behaviour, the school will work with the family and external agencies to seek advice and support.

## **11. Review of Exclusion**

A decision to exclude a pupil is not taken lightly and before it is reached the Headteacher will have given careful consideration to all the evidence collected and provided and of any representations by the parents.

If, despite this, parents wish school to review the decision to exclude they should set out the nature of their appeal in writing, detailing the nature of their grievance and the reasons they seek for review. Any such request should be addressed to the chair of governors and delivered via the school office. This request must be received within 7 working days of the date of exclusion.

Should the decision to exclude be upheld by the governors and parents wish to appeal this decision, they must put this request in writing and address to the clerk to governors, delivering this via the school office. The clerk to governors will convene an Independent Review Panel (IRP), usually within 10 working days. One member of the Review Panel will be independent of the management of the school. The panel members will have no prior detailed knowledge of the case or of the pupil or parents and may include representatives of the Local Authority. Parents will be notified in advance of the names of the panel members.

Where a review is requested, the pupil will be treated as having a suspension pending the review. The pupil must remain away from school and will have no right to enter school premises during that time without written permission from the Headteacher.

In case of extraordinary or unforeseen circumstances, which mean it is not reasonably practicable for the meeting to be held in person, the meeting will be held remotely. Remotely accessed meetings are subject to the same procedural requirements as in-person meetings.

## **12. Exclusion Review Panel Meeting**

The Exclusion Review meeting is a private procedure and all those who are concerned in it are required to keep its proceedings confidential, subject to law. Those who appear at the Review Panel will normally be members of the panel, the Headteacher and any relevant member of staff whom the Headteacher, the pupil or his/her parents have asked should attend and whom the Headteacher considers should attend in order to secure a fair outcome. A member of school staff may speak generally about the pupil's character, conduct and achievements at the school if they are willing to do so.

Parents may attend. The parents may be accompanied by a friend or relation. Legal representation is not permitted. A clerk should be present in the meeting to keep a written record of the main points. All those who appear at the Review Panel will be entitled, should they wish, to write their own notes. Audio recordings of hearings are not permitted.

The meeting will be chaired by one member of the Review Panel and conducted in a suitable room and in an informal manner. All statements made at the meeting will be unsworn. All those who appear at the Review Panel should, in turn, have a reasonable opportunity to ask questions and make appropriate comment.

Any information or evidence which relates to the exclusion must be provided to the clerk at least five days before the Review Panel meeting convenes. All people attending the Review Panel must be given copies of this information prior to the panel meeting.

The Review Panel will consider each of the questions raised by the parents inasmuch as they relate to the following:

- Whether the facts of the case were sufficiently proved when the decision was taken to expel the pupil. The civil standard of proof – the balance of probability – will apply.
- Whether the sanction was warranted – that is, whether it was proportionate to the breach of discipline or other events which are found to have occurred and to the legitimate aims of the school's policy in that respect.

The requirements of natural justice will apply. If for any reason the pupil or his/her parents are dissatisfied with any aspect of the meeting, they must inform the Chair of the Review Panel at the time and ask the clerk to note their dissatisfaction and the reasons for it.

Everyone is expected to show courtesy, restraint and good manners. If this is not the case, then the Chair of the Review Panel may at his/her discretion adjourn or terminate the meeting. If the meeting is terminated, the original decision to expel will stand and there will be no further right of appeal.

Should the Headteacher consider it necessary in the interests of an individual or of the school that the identity of any person should be withheld, the Chair of the Review Panel may require that the name of that person and the reasons for withholding it be written down and shown to the panel members. The Chair of the Review Panel at his/her discretion may direct that the person be identified or not, as the case may be.

Once the Chair of the Review Panel is satisfied that the questions raised by the parents have been fully considered by all who appeared at the Review Panel, the meeting will conclude and the three panel members will withdraw to make their decision.

The decision of the Review Panel will be notified, with reasons, to the parents by the Chair of the Review Panel by letter within five working days of the meeting. In the absence of a significant procedural irregularity, the decision of the Exclusion Review Panel is final. The chair of the panel has the final decision should there not be a unanimous decision.

#### **14. Application of this Policy**

The application of this policy is non-discriminatory, in line with equality legislation.

The policy applies to all pupils at the school, whether or not in the care of the school, including those in our EYFS setting. This policy does not cover cases when a pupil has to leave because of ill-health, non-payment of fees or withdrawal by his/her parents.