



**St Wilfrid's Catholic Primary School**  
**Suspension and Exclusion Policy**

<b>Academic Year</b>	<b>Designated Senior Person</b>	<b>Deputy Designated Senior Person</b>	<b>Nominated Governor</b>	<b>Chair of Governors</b>
2019-2020	A Weir	J McEniff	E Morrissey	E Morrissey
2020-2021	J McEniff	P O'Hara	E Morrissey	E Morrissey
2021-2022	J McEniff	M Davies	E Morrissey	E Morrissey
2022-2023	J McEniff	P Harkness	E Morrissey	E Morrissey

**Policy Review Dates**

<b>Review Date</b>	<b>Changes made</b>	<b>By whom</b>	<b>Ratified with FGB</b>
September 2020			
September 2021			
September 2022	Updated in line with DfE	J McEniff	October 2022

## MISSION STATEMENT

*"I have come that they may have life,  
and have it to the full."*

*John 10:10*



*At St. Wilfrid's we love one another,  
show respect and accept responsibility.  
Embracing opportunity and nurturing creativity  
we share in the joy of Jesus.*

## Aims

The school's Behaviour Policy outlines expectations and key strategies for promoting good behaviour. Good behaviour in schools is essential to ensure that all pupils benefit from the opportunities provided by education. Therefore, the government recognises that school exclusions, managed moves and off-site direction are essential behaviour management tools for headteachers and can be used to establish high standards of behaviour in schools and maintain the safety of school communities.

For the vast majority of pupils, suspensions (exclusions for a fixed period) and permanent exclusions may not be necessary, as other strategies can manage behaviour. However, if approaches towards behaviour management have been exhausted, then suspensions and permanent exclusions will sometimes be necessary as a last resort. This is to ensure that other pupils and teaching staff are protected from disruption and can learn in safe, calm, and supportive environments.

This policy is implemented in line with the Department for Education's (DfE) *"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."* September 2022

## Further information

This advice should not be read in isolation. It is important that schools consider the following guidance: *Behaviour in Schools guidance; Keeping Children Safe in Education; Mental health and behaviour in schools; Understanding Your Data: a guide for school governors and academy trustees*; and other relevant advice and guidance as part of their approach to using school suspensions and permanent exclusions well.

## Legislation

The principal legislation to which this guidance relates is:

- 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; and 7
- 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.

## Duties under the Education and Inspections Act 2006

Under the Education and Inspections Act 2006, headteachers of maintained schools must determine measures to be taken with a view to:

- promoting, among pupils, self-discipline, and proper regard for authority,
- encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,

- securing that the standard of behaviour of pupils is acceptable,
- securing that pupils complete any tasks reasonably assigned to them in connection with their education, and
- otherwise regulating the conduct of pupils.

Permanent exclusions can be used to help achieve these aims when they are absolutely necessary, as a last resort.

### **Duties under the Equality Act 2010 and Children and Families Act 2014**

Under the Equality Act 2010 (the Equality Act) and the Equality Act 2010: advice for schools - GOV.UK ([www.gov.uk](http://www.gov.uk)), schools must not discriminate against, harass, or victimise pupils because of: sex; race; disability; religion or belief; sexual orientation; pregnancy/maternity; or gender reassignment. For disabled children, this includes a duty to make reasonable adjustments to any provision, criterion or practice which puts them at a substantial disadvantage, and the provision of auxiliary aids and services. In carrying out their functions, the public sector equality duty means schools must also have due regard to the need to:

- eliminate discrimination, harassment, victimisation, and other conduct that is prohibited by the Equality Act;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

The 'relevant protected characteristics' in this context are the characteristics mentioned above. Age is also a relevant protected characteristic, but not when carrying out a function which provides education, benefits, facilities, or services to pupils.

These duties need to be complied with when deciding whether to exclude a pupil. Schools must also ensure that any provision, criterion, or practice does not discriminate against pupils by unfairly increasing their risk of exclusion. For example, if reasonable adjustments have not been made for a pupil with a disability that can manifest itself in breaches of school rules if needs are not met, a decision to exclude may be discriminatory.

The governing board must also comply with their statutory duties in relation to pupils with Special Educational Need (SEN) when administering the exclusion process, including (in the case of the governing board of relevant settings) using their 'best endeavours' to ensure the appropriate special educational provision is made for pupils with SEN and (for all settings) having regard to the Special Educational Need and Disability (SEND) Code of Practice.

## **The headteacher's power to suspend or permanently exclude**

This 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. To achieve this, suspension and permanent exclusion are sometimes a necessary part of a functioning system, where it is accepted that not all pupil behaviour can be amended or remedied by pastoral processes, or consequences within the school.

1. Only the headteacher of a school can suspend or permanently exclude a pupil 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.
2. A pupil's behaviour outside school can be considered grounds for a suspension or permanent exclusion. Any decision of a headteacher, including suspension or permanent exclusion, will be made in line with the principles of administrative law, i.e., that it is: lawful; reasonable; fair; and proportionate.
3. When establishing the facts in relation to a suspension or permanent exclusion decision the headteacher will 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.' This means that the headteacher should accept that something happened if it is more likely that it happened than that it did not happen. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
4. Headteachers should also take the pupil's views into account, considering these in light of their age and understanding, before deciding to exclude, unless it would not be appropriate to do so. They will inform the pupil about how their views have been factored into any decision made.

## **Types of Exclusion**

### **Suspension**

1. A suspension, where a pupil is temporarily removed from the school, is an essential behaviour management tool that is set out within the school's behaviour policy.
2. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year). A suspension does not have to be for a continuous period.
3. A suspension may be used to provide a clear signal of what is unacceptable behaviour as part of the school's behaviour policy and show a pupil that their current behaviour is putting them at risk of permanent exclusion. Where suspensions are becoming a regular occurrence for a pupil, the headteacher will

consider whether suspension alone is an effective sanction for the pupil and whether additional strategies need to be put in place to address behaviour.

4. It is important that during a suspension, pupils still receive their education. School will take steps to ensure that work is set and marked for pupils during the first five school days of a suspension. This may include utilising any online pathways such as Oak National Academy. The school's legal duties to pupils with disabilities or special educational needs remain in force, for example, to make reasonable adjustments in how they support disabled pupils during this period. Any time a pupil is sent home due to disciplinary reasons and asked to log on or utilise online pathways should always be recorded as a suspension.
5. A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.
6. The law does not allow for extending a suspension or 'converting' a suspension into a permanent exclusion. In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

### **Permanent Exclusion**

1. A permanent exclusion is when a pupil is no longer allowed to attend a school (unless the pupil is reinstated). The decision to exclude a pupil permanently will 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 pupils in the school.
2. For any permanent exclusion, headteachers will take reasonable steps to ensure that work is set and marked for pupils during the first five school days where the pupil will not be attending alternative provision. Any appropriate referrals to support services or notifying key workers (such as a pupil's social worker) should also be considered.

### **Cancelling Exclusions**

The headteacher may cancel any exclusion that has already begun, but this should only be done where it has not yet been reviewed by the governing board. Where an exclusion is cancelled, then:

- Parents, the governing board, and the LA will be notified without delay and, if relevant, the social worker and VSH;
- Parents will be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the exclusion being cancelled;
- The headteacher reports to the governing board once per term on the number of exclusions which have been cancelled. This should include the circumstances and reasons for the cancellation enabling governing boards to have appropriate oversight and;
- The pupil should be allowed back into school.

### **Setting a clear process for exclusions**

Headteachers should consider the following, when setting a clear process for exclusions:

- adopting a reliable method for monitoring the 45 day suspension rule, including suspensions received from other schools;
- ensuring there is a formal process for informing parents, social worker (where relevant), governing board and local authority, clearly setting out all reasons for the exclusion;
- providing up-to-date links to sources of impartial advice for parents;
- reintegrating suspended or permanently excluded pupils and supporting pupils' future behaviour;
- ensuring a formal process for arranging, at short notice, suitable full-time alternative education for pupils receiving suspensions over five school days.

### **Reasons and recording exclusions**

The DfE trust headteachers to use their professional judgement based on the individual circumstances of the case when considering whether to exclude a pupil. The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion

- 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 a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive. The Department of Education collects data on suspensions and permanent exclusions from all state-funded schools via the termly school census. We provide information via the school census on pupils subject to any type of suspension or permanent exclusion in the previous two terms.

### **Off-rolling and unlawful exclusions**

Telling or forcing a pupil to leave school, or not allowing them to attend school, is a suspension (if temporary) or permanent exclusion (if permanent). Whenever a pupil is made to leave school, or forbidden from attending school, on disciplinary grounds, this must be done in accordance with the School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 and with regard to relevant parts of this guidance.

Suspending a pupil for a short period of time, such as half a day, is permissible, however, the formal suspension process must be followed. Each disciplinary suspension and permanent exclusion must be confirmed to the parents in writing with notice of the reasons for the suspension or permanent exclusion.

Any exclusion of a pupil, even for short periods, must be formally recorded. It would also be unlawful to exclude a pupil simply because they have SEN or a disability that the school feels it is unable to meet, or for a reason such as: academic attainment/ability; or the failure of a pupil to meet specific conditions before they are reinstated, such as to attend a reintegration meeting.

If any of these unlawful exclusions are carried out and lead to the deletion of a pupil's name from the register, this is known as 'off-rolling'. An informal or unofficial exclusion, such as sending a pupil home 'to cool off', is unlawful when it does not follow the formal school exclusion process and regardless of whether it occurs with the agreement of parents.

### **Safeguarding, including guidance concerning pupils who have abused another pupil (commonly known as child-on-child abuse)**

1. 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 board review, it is likely that there will be complex and difficult decisions that need to be made. These decisions are made alongside the school's duty to safeguard and support children and the duty to provide an education.
2. Schools have a statutory duty to make arrangements for safeguarding and promoting the welfare of their pupils. As part of this duty, schools are required to have regard to guidance issued by the Secretary of State. All schools must have regard to *Keeping Children Safe in Education*.
3. Furthermore, schools have a statutory duty to co-operate with safeguarding partners once designated as relevant agencies. Equally, safeguarding partners



are expected to name schools as relevant agencies and engage with them in a meaningful way. Ultimately, any decisions are for the school to make on a case-by-case basis, with the designated safeguarding lead (or a deputy) taking a leading role and using their professional judgement, supported by other agencies, such as children's social care and the police as required.

4. Section 5 of *Keeping Children Safe in Education* sets out the safeguarding process for cases of reports that relate to rape or assault by penetration and those that lead to a conviction or caution: "When there has been a report of sexual violence, the designated safeguarding lead (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." As always when concerned about the welfare of a child, the best interests of the child should come first. In all cases, schools should follow general safeguarding principles as found in *Keeping Children Safe in Education*.

### **Reintegration after a suspension**

1. School will support pupils to reintegrate successfully into school life and full-time education following a suspension. Our reintegration strategy 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.
2. The reintegration strategy will be clearly communicated at a reintegration meeting before or at the beginning of the pupil's return to school. During a reintegration meeting, the 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.
3. Where necessary, we 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.
4. A part-time timetable will not be used to manage a pupil's behaviour and must 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 will also be formal arrangements in place for regularly reviewing it with the pupil and their parents. In agreeing to a part-time timetable, the school has agreed to a pupil being absent from school for part of the week or day and therefore will treat absence as authorised.

5. We can 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 and welcoming the pupil back to school
  - Daily contact with a designated pastoral professional in-school;
  - Use of 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;
  - 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.

### **Notification of an Exclusion**

To ensure that a child receives the correct support and protection during a suspension or permanent exclusion, it is important that those responsible for their care are promptly informed when exclusions occur or there is a risk of them occurring. As well as communicating with the child where relevant throughout the exclusion process schools should and must share information with parents, social workers, VSH, local authorities, and governing boards.

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

1. Whenever a headteacher suspends or permanently excludes a pupil they will, without delay, notify parents of the period of the suspension or permanent exclusion and the reason(s) for it.
2. They will also, without delay, after their decision, provide parents with the following information in writing:
  - the reason(s) for the suspension or permanent exclusion;
  - the period of a suspension or, for a permanent exclusion, the fact that it is permanent;
  - parents' right to make representations about the suspension or permanent exclusion to the governing board and how the pupil may be involved in this;
  - how any representations should be made; and
  - where there is a legal requirement for the governing board to consider the suspension or permanent exclusion,
3. Written notification of the information above can be provided by delivering it directly to the parents, leaving it at their usual or last known home address, or posting it to that address. Notices can be given electronically if the parents have given written agreement for this kind of notice to be sent in this way.

4. Where a suspended or permanently excluded pupil is of compulsory school age the headteacher will also notify the pupil's parents of the days on which they must ensure that the pupil is not present in a public place at any time during school hours.
5. These days are the first five school days of a suspension or permanent exclusion (or until the start date of any full-time alternative provision or the end of the suspension where this is earlier). 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. The headteacher will notify the parents of the days on which their duty applies without delay and, at the latest, by the end of the afternoon session on the first day of the suspension or permanent exclusion.

### **Informing parents about an exclusion**

Notification will be in person or by telephone in the first instance as this will allow parents to ask any initial questions or raise concerns directly with the headteacher.

Headteachers should consider the following:

- Has the school spoken to the parents (and when appropriate, the child's social worker) to ensure they fully understand the type/scale of the incident?
- Has the school considered how to communicate accessibly and clearly, including whether parents may have particular communication needs relating to a disability or having English as an additional language (EAL)?
- Has the school provided sufficient details in the suspension or permanent exclusion notice letter on the reasons for the suspension or permanent exclusion?
- Does the notice contain all the required information as set out in part six of the suspension and permanent exclusion guidance?
- Has the school informed parents (and when appropriate, the pupil's social worker or the local authority if a pupil has an EHCP) whether their pupil will be able to sit any national curriculum test(s) or public examination(s) occurring during the suspension or permanent exclusion?
- When several suspensions have been issued in a term, has the school informed parents of their right of representation to the governing board?

When notifying parents about a suspension or permanent exclusion, the headteacher will set out what arrangements have been made to enable the pupil to continue their education prior to the start of any alternative provision or the pupil's return to school, in line with legal requirements.

### **Informing the governing board about an exclusion**

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

- any permanent exclusion (including where a suspension is followed by a decision to permanently exclude the pupil);
- any suspension or permanent exclusion which would result in the pupil being suspended or permanently excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any suspension or permanent exclusion which would result in the pupil missing a public examination or national curriculum test.

### **Informing the local authority about an exclusion**

The local authority will be informed without delay of all school exclusions regardless of the length of the exclusion.

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

### **Appeals**

All correspondence regarding an exclusion from the school will inform parents of their right to appeal to the Governing Body against the decision to exclude. This procedure is clearly set out in the statutory guidance. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

### **Guidance**

This policy was written in line with the following guidance:  
<https://www.gov.uk/government/publications/school-exclusion>

### **Review**

This policy will be reviewed in 3 years or sooner if the DfE guidance is updated.