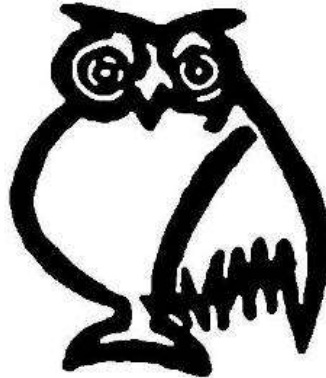


# Danbury Park Community Primary School



## Suspension and Permanent Exclusion Policy

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*Be wise, be happy, belong*



# Danbury Park Community Primary School Suspension and Permanent Exclusion Policy

## 1. Rationale

- 1.1. This document explains the school's Suspension and Permanent Exclusion policy and what parents should do if a pupil is suspended or excluded from school. It should be read in conjunction with the school's Behaviour Policies and other policies which may relate to the specific case.
- 1.2. Only the headteacher or acting headteacher has the power to exclude a pupil from school and this must be on disciplinary grounds. When suspending or excluding a pupil, reference should be made to current legislation and local authority and government guidance.
- 1.3. The decision to suspend or exclude a pupil must be lawful, reasonable and procedurally fair. Danbury Park Community Primary School has a statutory duty not to discriminate against any pupil.

## 2. Key Points

- 2.1. At Danbury Park Community Primary School we believe that good discipline is essential to ensure that all pupils can benefit from the opportunities provided. The Government supports headteachers in using suspension and exclusion as a sanction where it is warranted. However, suspension and exclusion are only used 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.
- 2.2. Disruptive behaviour can be an indication of unmet needs. Where we have concerns about a pupil's behaviour, we try to identify whether there are any causal factors and intervene early in order to reduce the need for a subsequent suspension or exclusion. This may include referral to a multi-agency assessment that goes beyond the pupil's educational needs.
- 2.3. Pupils who have been suspended or excluded must be kept at home until either they are allowed to return to school or other arrangements are made for their education. They must not enter the school premises whilst suspended or excluded. However, all children have a right to an education and Danbury Park Community Primary School will take reasonable steps to set and mark work for pupils during the first five school days of a suspension or exclusion period, and alternative provision will be arranged, at the latest, from the sixth day.
- 2.4. If a pupil should be sitting a National Curriculum test whilst suspended or excluded, every effort will be made to make arrangements so that the opportunity is not lost.
- 2.5. A strategy for reintegrating pupils returning to school following a suspension, and for managing their future behaviour, will be put into place.



### 3. Preventative Measures

- 3.1. In addition to the strategies set out in the Schools' Behaviour Policy and the DfE Behaviour in Schools guidance, the headteacher will also consider alternative provision as preventative measures to exclusion either:
  - An off-site direction (temporary measure) or
  - A managed move (permanent measure)
- 3.2. Any use of alternative provision will be based on an understanding of the support a child needs in order to improve their behaviour, as well as any SEND or health needs.
- 3.3. Off-site direction may only be used as a way to improve future behaviour and not as a sanction or punishment for past misconduct. Off-site direction should only be used where in-school interventions and/or outreach have been unsuccessful or are deemed inappropriate and should only be used to arrange a temporary stay.
- 3.4. The nature of the intervention, its objectives, and the timeline to achieve these objectives should be clearly defined and agreed with the provider upfront. The plan should then be frequently monitored and reviewed. Pupils must continue to receive a broad and balanced education, and this will support reintegration into mainstream schooling.

#### 3.5. Off-site direction

Off-site direction is when a governing board of a maintained school requires a pupil to attend another education setting to improve their behaviour. Where interventions or targeted support have not been successful in improving a pupil's behaviour, off-site direction should be used to arrange time-limited placements at an alternative provision or another mainstream school.

During the off-site direction to another school, pupils must be dual registered.

The governing board must ensure that parents (and the local authority if the pupil has an Education, Health and Care (EHC) plan) are notified in writing and provided with information about the placement as soon as practicable after the direction has been made and no later than 2 school days before the relevant day.

Parents and, where the pupil has an EHC plan, the local authority can request, in writing, that the governing board hold a review meeting. When this happens, governing boards must comply with the request as soon as reasonably practicable, unless there has already been a review meeting in the previous 10 weeks.

The length of time a pupil spends in another mainstream school or alternative provision and the reintegration plan must be kept under review by the governing body, who must hold review meetings at such intervals as they, having regard to the needs of the pupil, consider appropriate, for as long as the requirement remains in effect. Not later than 6 days before the date of any review meeting, a governing body must give a written invitation to parents (and the local authority if the pupil has an EHC plan) to attend the review meeting, or to submit in writing before the date of the meeting their views as to whether off-site direction should continue to have effect. The governing body must ensure, insofar as is practicable, that any review meeting is convened on a date, and at a time, that is suitable for the parent.

The governing body must keep the placement under review for as long as the requirement remains in effect and must decide following each review meeting as to whether the



requirement should continue to have effect and, if so, for what period of time. The meeting should include arrangements for reviews, including how often the placement will be reviewed, when the first review will be and who should be involved in the reviews.

### **3.6. Managed moves**

A managed move is used to initiate a process which leads to the transfer of a pupil to another mainstream school permanently. Managed moves should be voluntary and agreed with all parties involved, including the parents and the admission authority of the new school.

If a temporary move needs to occur to improve a pupil's behaviour, then off-site direction (as described above) should be used.

Managed moves should only occur when it is in the pupil's best interests.

Where a pupil has an EHC plan, the relevant statutory duties on the new school and local authority will apply. If the current school is contemplating a managed move, it should contact the authority prior to the managed move. If the local authority, both schools and parents are in agreement that there should be a managed move, the local authority will need to follow the statutory procedures for amending a plan.

Managed moves should be offered as part of a planned intervention. The original school should be able to evidence that appropriate initial intervention has been carried out, including, where relevant, multi-agency support, or any statutory assessments were done or explored prior to a managed move.

The managed move should be preceded by information sharing between the original school and the new school, including data on prior and current attainment, academic potential, a risk assessment and advice on effective risk management strategies. It is also important for the new school to ensure that the pupil is provided with an effective integration strategy.

If a parent believes that they are being pressured into a managed move or is unhappy with a managed move, they can take up the issue through the school's formal complaints procedure with the governing board and, where appropriate, the local authority. Ofsted will consider any evidence found of a parent being pressured into a managed move that has resulted in off-rolling and is likely to judge a school as inadequate on the basis of such evidence.

## **4. Informing Parents, the Local Authority, Social Workers and the Virtual School**

- 4.1. The school will contact parents without delay on the day of the suspension or exclusion to inform them that their child has been suspended or excluded and the reasons why. Wherever possible they will be informed by telephone or in person. This will be followed by a letter within one school day.
- 4.2. Additionally if a pupil has a social worker, or if a pupil is looked-after, the headteacher must, also without delay after the decision, notify the social worker and/or the Virtual School Headteacher, as applicable.
- 4.3. The headteacher must also in all cases notify the Local Authority, without delay.



## 5. Suspension

This is for a limited time. The head teacher must inform parents how many days the suspension is for at the beginning of the suspension period and what the arrangements will be for setting and marking work for the pupil.

A pupil may be suspended more than once during an academic year but the total number of school days cannot be more than 45 in any academic year.

The parents have the right to inform the school's governing body of their views about the suspension. This is called making **representations**. If the suspension is fewer than 5 days, the Pupil Discipline Committee of the Governing Body cannot direct re-instatement, but should convene a meeting to consider any representations from the parents.

If the exclusion is over 5 days but no more than 15 days in a school term and the parents make representations, the Pupil Discipline Committee must review the suspension and decide whether to reinstate the pupil or uphold the headteacher's decision. Where no representations are made there is no need for the committee to meet.

The Pupil Discipline Committee must review all fixed term exclusions of over 15 days in a school term, or where a pupil would miss a National Curriculum test.

The parents will be invited to attend the meeting and may be accompanied by a friend or representative. The local authority and the social worker and Virtual School Head, where applicable, will also be invited to send a representative. Meetings should take place within the following time scales:

<b>Length of Suspension</b>	<b>Time scale</b>
Over 5 school days, but less than 15 school days (a meeting need only be called if the parents make representations).	Within 15 days of receiving notice of the suspension
Over 15 school days.	Within 15 days of receiving notice of the suspension
Less than 15 school days but over a total of 5 days for the term (a meeting need only be called if the parents make representations).	Within 50 days of receiving notice of the suspension
Where the child will miss an opportunity to sit a National Curriculum test.	Where possible before that test takes place.

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. A lunchtime exclusion is a fixed period suspension (equivalent to one half school day) and should be treated as such. Parents have the same right to be given information and to make representations. A lunchtime suspension for an indefinite period, like any other indefinite suspension, would not be lawful. Arrangements would be made for pupils who are entitled to free school meals.



## **6. Permanent Exclusion**

### **Consideration by the Governing Body**

The Pupil Discipline Committee of the Governing Body must convene a meeting to consider reinstatement within 15 days of receiving a notice of exclusion (not including school holidays). The parents are invited to attend this meeting. Parents can be supported by a friend or legal representative or somebody willing to speak on their behalf. If the parent prefers to, they may make representations to the governors in writing. The local authority and the social worker and Virtual School Head, where applicable, are also invited to send a representative to the meeting. The governors can instruct the headteacher to re-admit a child to the school.

After the meeting the governors must advise the parents and the local authority of their decision in writing without delay, giving their reasons.

The local authority has no power to instruct a school to readmit a pupil.

If the pupil's parents request a governing body meeting to consider re-instatement, this must take place within 50 school days of receiving notice of the suspension.

If the governors confirm the permanent exclusion of a pupil, they must advise the parents of their right to a review by an independent appeal panel. The parents have this right even if they did not make representations to the Pupil Discipline Committee. In addition, if parents believe that the exclusion has occurred as a result of discrimination then they may make a claim under the Equality Act 2010 to the First-tier Tribunal (Special Educational Needs and Disability), in the case of disability discrimination, or the County Court, in the case of other forms of discrimination.

### **Right of Appeal to an Independent Panel**

If the parents wish to apply for an independent review panel, they must write to the clerk within 15 school days of being notified of the Pupil Discipline Committee's decision. Full details of the process and further information are provided to the parents in the governing body's notification of their decision.

The role of the panel is to review the governing body's decision not to reinstate a permanently excluded pupil. In reviewing the decision the panel must consider the interests and circumstances of the excluded pupil, including the circumstances in which the pupil was excluded, and have regard to the interests of other pupils and people working at the school.

The review must begin within 15 school days of the day on which the local authority received the parents' application for a review.

### **The Decision of the Independent Panel**

Where the panel directs or recommends that the governing body reconsiders their decision, the governing body must reconvene to do so within 10 school days of being given notice of the panel's decision.



The governing body must comply with any direction of the panel to place a note on the pupil's educational record.

In the case of either a recommended or directed reconsideration, the governing body must notify the parents, headteacher and local authority of their reconsidered decision, and the reasons for it, in writing and without delay.

## **7. Advice and support for Parents**

7.1. For advice on exclusions and review by independent panel procedure, parents should contact:

Essex County Council,  
Children's Service,  
Schools, Children and Families Directorate  
Education Access Team  
PO Box 47  
County Hall  
Chelmsford  
CM1 1LD

Telephone: 03330 131157 or 13330 131150.

## **8. Review of Data**

8.1. The governing body monitor and challenge each term what the school's data is telling them about the school. The governing body carefully consider the numbers of suspensions and permanent exclusions, as well as the number and the characteristics of pupils moving schools, to ensure these sanctions are only used when necessary and as a last resort.