

Springfield Infant School and Nursery

Suspension and Permanent Exclusion Policy



Springfield is a Rights Respecting School.

Article 3- The best interests of the child must be a top priority in all actions concerning children.

Article 12 – Every child has the right to say what they think in all matters.

Article 29 – Every child has the right to develop their personality, talents and abilities.

This policy is supported by WSCC and Gov.uk

Introduction

The procedures to be followed when a pupil is excluded from a maintained school or pupil referral unit are set out in the Department for Education document '[Exclusion from maintained schools, academies and pupil referral units in England. A guide for those with legal responsibilities in relation to exclusion](#)'. (see appendix)

The guidance on making decisions on suspensions and exclusions and administering the exclusion procedure is summarised in the frequently asked questions below.

What is meant by 'exclusion'?

There are 2 types of exclusion:

- suspension (sometimes referred to as fixed-term or fixed-period exclusion)
- permanent exclusion

Who can suspend or exclude a pupil?

Only the headteacher is able to suspend or exclude a pupil, or in the headteacher's absence the teacher who is acting as headteacher.

When is suspension or exclusion appropriate?

A decision to suspend a pupil for a fixed period should be taken in response to breaches of the school's behaviour policy where these are not serious enough to warrant permanent exclusion and lesser sanctions are not appropriate. A thorough investigation should first be carried out considering all the evidence and allowing the pupil concerned to give their version of events. Suspension is the only route to removing pupils from school if they have committed a disciplinary offence. Pupils cannot be sent home to 'cool off' even with parental cooperation.

A decision to exclude a pupil permanently should be taken only:

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

Permanent exclusion will usually be the final step in the disciplinary process. However, there will be exceptional circumstances when a pupil may be excluded for a first or one off offence such as violence, sexual assault, supplying an illegal drug or carrying an offensive weapon.

When is suspension or exclusion not appropriate?

Suspension or exclusion should not be used for:

- minor incidents, for example lack of homework;
- poor academic performance;
- lateness or truancy;
- pregnancy;
- punishing pupils for the behaviour of their parents;
- breaches of school uniform.

Suspension and exclusion should be avoided, if at all possible, for pupils with special educational needs or who are looked after. Schools must not discriminate against pupils on disability or racial grounds.

What happens when a decision is made to suspend a pupil?

The guidance states that parents should be informed of a suspension or exclusion 'without delay', ideally by phone followed by a letter. The letter will set out the reason for and length of the suspension and how parents can access advice from the local authority and the Coram Children's Legal Centre. In addition it will explain:

- Parents have a duty to ensure their child is not present in a public place in school hours during an exclusion of up to five days in length.
- **Either** the school will arrange for the pupil to attend suitable alternative full time educational provision or work will be set by the school for a pupil to complete at home during an exclusion of up to five days in length. The school will be responsible for providing full time education off site from the sixth day of any fixed period suspension and the local authority from the sixth day of any permanent exclusion.
- How parents can make representations to the governors of the school who have a duty to review suspensions and exclusions.

In all cases, headteachers should keep a written record of their actions.

How are suspensions and exclusions reviewed?

There are different rights for specified periods of exclusions:

- 0.5 to 5 days – The governing body are not required to meet but must consider any representation made by parents.
- 5.5 to 15 days – The governing body must meet to review the suspension but only if requested to do so by a parent.
- Suspensions totalling over 15 days in one term and permanent exclusions – The governing body must meet to review these suspensions/exclusions before the 15th day after notification.

Who attends these meetings?

- There are usually three governors representing the governing body who have had no involvement with the incident that has taken place.
- A clerk to take notes and advise the governors on procedures.
- A local authority representative (maintained schools). Local authority representation at a meeting of an Academy's governing body to review an exclusion is as an observer and at the invitation of the parent. The local authority representative may only make representations with the governing body's consent.
- The headteacher.
- Witnesses, if appropriate.
- Parents and pupil can attend and are encouraged to do so, but the meeting for longer fixed period suspensions and permanent exclusions must take place whether a parent attends or not. Parents can be accompanied at the meeting.

What happens at the meeting?

The headteacher first presents the case for exclusion and can be questioned by parents, governors and local authority representative. Parents then present their case and in turn can be questioned by the headteacher, governors and local authority representative. After both sides have been given a further opportunity to sum up their case, everyone leaves the governors to consider the evidence and make their decision.

What decision can the governors make?

There are only two decisions open to the governing body:

- to uphold the suspension or exclusion; or
- direct the pupil's reinstatement either immediately or by a particular date.

Contact the Access and Exclusion Team Phone: 033 022 28537