



Suspension and Permanent Exclusion Policy

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Agreed by Governors:	April 2025
Shared with all Staff:	April 2025
Frequency of Review:	Two years
Date of Next Review:	March 2027

Learning at Stivichall is a passport for life

Stivichall Primary School

Suspension and Permanent Exclusion Policy

(linked to Behaviour and Discipline Policy)

Rationale

This policy deals with the procedure and practice, which informs the school's use of suspension and permanent exclusion. It is underpinned by the shared commitment of all members of the school community to achieve two important aims:

- 1) The first is to ensure the safety and well-being of all members of the school community, and to maintain an appropriate educational environment in which all can learn and succeed;
- 2) The second is to realise the aim of reducing the need to use suspension and/ or permanent exclusion as a sanction.

Introduction

The decision to suspend or permanently exclude a pupil will be taken in the following circumstances: -

- (a) In response to a serious breach of the school's Behaviour and Discipline Policy;
- (b) If allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others in the School.

Suspension and permanent exclusion are extreme sanctions and are only administered by the Headteacher.

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 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
- Misuse of other substances
- Theft
- Serious actual or threatened violence against another pupil or a member of staff.
- Sexual abuse or assault.
- Supplying an illegal drug.
- Carrying an offensive weapon.
- Arson.
- Unacceptable behaviour which has previously been reported and for which school sanctions and other interventions have not been successful in modifying the pupil's behaviour.

This is not an exhaustive list and there may be other situations where the Headteacher makes the judgment that suspension or permanent exclusion is an appropriate sanction.

Suspension and Permanent Exclusion procedure

- Most suspensions are of short duration (usually between one and three days).
- The DfE regulations allow the Headteacher to suspend a pupil for one or more fixed periods not exceeding 45 school days in any one school year.
- The Governors have established arrangements to promptly review all permanent exclusions from the school and all suspensions that would lead to a pupil being suspended for over 15 days in a school term or missing a public examination.
- The Governors have established arrangements to review suspensions which would lead to a pupil being suspended for over 5 days but not over 15 days in a school term where a parent has expressed a wish to make representations.
- Following suspension or permanent exclusion, parents/carers are contacted immediately where possible. A letter will be sent giving details of the suspension or permanent exclusion and the date the suspension ends (if not a permanent exclusion). Parents have a right to make representations to the Governing Body and the LA as directed in the letter.
- If a pupil has a social worker, or is a looked-after pupil, the social worker and/ or virtual school head will also be contacted. They will be notified of the length of suspension or permanent exclusion and the reasons for it.
- The local authority will be notified, without delay, regardless of the length of the suspension.
- A reintegration meeting will be held following the expiry of the suspension. This will involve a member of the Senior Leadership Team and other staff if appropriate.
- In exceptional cases, usually where further evidence has come to light, a further suspension may be issued to begin immediately after the first fixed period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period. In these circumstances, a new letter will be sent to parents without delay.
- A suspension will usually take the form of the pupil being required to remain at home.
- During the course of a suspension where the pupil is to be at home, parents are advised that the pupil is not allowed on the school premises, and that daytime supervision is their responsibility, as parents/guardians.

Permanent Exclusion

The decision to exclude a pupil 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 misbehaviour including bullying (which would include racist or homophobic bullying) or 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 pupil for a first or 'one off' offence. These might include:

- Serious actual or threatened violence against another pupil 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.

* Offensive weapons are defined in the Prevention of Crime Act 1953 as “any article made or adapted for causing injury to the person; or intended by the person having it with him for such use by him.”

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 deciding to suspend or permanently exclude

Suspension or permanent exclusion will not be imposed instantly unless there is an immediate threat to the safety of others in the school or the pupil concerned. Before deciding whether to suspend or permanently exclude a pupil the Headteacher will:

- Ensure appropriate investigations have been carried out.
- Consider all the evidence available to support the allegations taking into account the Pupil Behaviour Policy and the Single Equalities Plan.
- Allow the pupil to give her/his version of events.
- Check whether the incident may have been provoked for example by bullying or by racial or sexual harassment.

If the Headteacher is satisfied that on the balance of probabilities the pupil did what he or she is alleged to have done, suspension or exclusion will be the outcome.

Exercise of discretion

In reaching a decision, the Headteacher will always look at each case on its merits because fixing a standard penalty for a particular action, is both unfair and inappropriate.

In considering whether permanent exclusion is the most appropriate sanction, the Headteacher will consider a) the gravity of the incident, or series of incidents, and whether it constitutes a serious breach of the school’s Behaviour Policy and b) the effect that the pupil remaining in the school would have on the education and welfare of other pupils and staff.

In line with its statutory duty, these same two tests of appropriateness will form the basis of the deliberations of the Governors’ Pupil Discipline Committee, when it meets to consider the Headteacher’s decision to exclude. This Committee will require the Headteacher to explain the reasons for the decision and will look at appropriate evidence, such as the pupil’s school record, witness statements and the strategies used by the school to support the pupil prior to exclusion.

Alternatives to Exclusion

Alternative strategies to exclusion are included in the Behaviour Policy.

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. The school works closely with the Local Authority and in particular The Keys, Educational Psychology (EPS), Complex Communication Team (CCT) and Social Emotional Mental Health and Learning (SEMH+L) to undertake managed moves where such a course of action would be of benefit both to the pupil and the two schools concerned. However, the threat of a permanent exclusion will never be used as the means to coerce parents to move their child to another school.

Off-site direction (when a governing body of a maintained school requires a pupil to attend another education setting to improve their behaviour) 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 in alternative provision. The length of time a pupil spends in alternative provision will depend on what best supports the pupil's needs and potential improvement in behaviour.

The nature of the intervention, its objectives and the timeline to achieve these objectives should be clearly defined and agreed with the provider. The plan should be frequently monitored and reviewed.

Lunchtime Suspension

Pupils whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. This will be treated as suspension and parents will have the same right to gain information and to appeal.

Behaviour Outside School

Pupils' behaviour outside school on school "business" for example school trips and journeys, away school sports fixtures or a work experience placement is subject to the school's Behaviour Policy. Bad behaviour in these circumstances will be dealt with as if it had taken place in school. For behaviour outside school but not on school business, this policy will still have effect if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is poor and meets the school criteria for suspension or permanent exclusion then the Head may decide to suspend or permanently exclude.

Cancelling suspensions or permanent exclusions

The headteachers may cancel a suspension or permanent exclusion that has already begun but only where it has not been reviewed by the governing body.

Where a suspension or permanent exclusion is cancelled:

- Parents, the governing body and the local authority will be notified, and if relevant, the social worker and virtual school heads;
- Parents should be offered the opportunity to meet with the headteacher to discuss the circumstances that led to the suspension or permanent exclusion being cancelled;
- Schools should report to the governing body once per term on the numbers of suspensions and/ or permanent exclusions that have been cancelled. This should include the circumstances and reasons for the cancellation enabling the governing body to have appropriate oversight; and
- The pupil should be allowed back at school.

The Role of the Governing Board

Responsibilities regarding suspensions and/ or permanent exclusions is delegated to the disciplinary panel of governors (consisting of at least 3 governors).

The governing board has a duty to consider the reinstatement of a suspended or permanently excluded pupil.

Within 14 days of receipt of a request, the governing board will provide the secretary of state and the Local Authority with information about any suspensions or permanent exclusions in the last 12 months.

For a suspension of more than 5 school days, the Local Authority will arrange suitable full-time education for the pupil. This provision will begin no later than the sixth day of the exclusion.

Governing boards should review suspensions and permanent exclusions, those taken off roll and those on roll but attending education off-site.

They should consider:

- effectiveness and consistency in implementing the school's behaviour policy
- the school register and absence codes
- instances where pupils receive repeat suspensions
- interventions in place to support pupils at risk of suspension or permanent exclusion
- any variations in the rolling average of permanent exclusions to understand why this is happening, and to ensure they are only used when necessary
- timing of moves and permanent exclusions, and whether there are any patterns, including any indications which may highlight where policies or support are not working
- understanding the characteristics of excluded pupils, and why this is taking place
- whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives and that pupils are benefiting from it

Considering the reinstatement of a pupil

The governing board (via the disciplinary panel) will consider the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or permanent exclusion if:

- The exclusion is permanent
- It is a suspension which would bring the pupil's total number of school days of suspension to more than 15 in a term
- It would result in a pupil missing a public examination

If requested to do so by parents, the board will consider the reinstatement of a suspended pupil within 50 school days of receiving notice of the suspension if the pupil would be suspended from school for more than 5 school days, but less than 15, in a single term.

Where a suspension or permanent exclusion would result in a pupil missing a public examination or national curriculum test, the board will consider the reinstatement of the pupil before the date of the examination. If this is not practicable, the chair of the governing board (or the vice-chair where the chair is unable to make this consideration) will consider the suspension or permanent exclusion independently and decide whether or not to reinstate the pupil.

The board can either:

- Decline to reinstate the pupil, or
- Direct the reinstatement of the pupil immediately, or on a particular date

If the pupil has a social worker, they should, as far as possible, attend the governing board meeting.

Where the pupil is looked-after, the virtual school head should, as far as possible, attend the governing board meeting.

In reaching a decision, the board will consider whether the suspension or permanent exclusion was lawful, reasonable and procedurally fair and whether the headteacher followed their legal duties. They will decide whether or not a fact is true 'on the balance of probabilities', which differs from the criminal standard of 'beyond reasonable doubt', as well as any evidence that was presented in relation to the decision to suspend or permanently exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The outcome will also be recorded on the pupil's educational record.

The board will notify, in writing, the headteacher, parents and the LA of its decision, along with reasons for its decision, without delay.

Where an exclusion is permanent, the board's decision will also include the following:

- The fact that it is permanent
- Notice of parents' right to ask for the decision to be reviewed by an independent review panel, and:
 - The date by which an application for an independent review must be made
 - The name and address to whom an application for a review should be submitted
 - That any application should set out the grounds on which it is being made and that, where appropriate, reference to how the pupil's SEND are considered to be relevant to the exclusion
 - That, regardless of whether the excluded pupil has recognised SEND, parents have a right to require the LA to appoint a SEND expert to attend the review
 - Details of the role of the SEND expert and that there would be no cost to parents for this appointment
 - That parents must make clear if they wish for a SEND expert to be appointed in any application for a review
 - That parents may, at their own expense, appoint someone to make written and/or oral representations to the panel, and parents may also bring a friend to the review

If parents believe that the exclusion has occurred as a result of discrimination, 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. A claim of discrimination made under these routes should be lodged within 6 months of the date on which the discrimination is alleged to have taken place

An independent review

If parents apply for an independent review, the Local Authority will arrange for an independent panel to review the decision of the governing board not to reinstate a permanently excluded pupil.

Applications for an independent review must be made within 15 school days of notice being given to the parents by the board of its decision to not reinstate a pupil.

A panel of 3 or 5 members will be constituted with representatives from each of the categories below. Where a 5-member panel is constituted, 2 members will come from the school governors' category and 2 members will come from the headteacher category.

- A lay member to chair the panel who has not worked in any school in a paid capacity, disregarding any experience as a school governor or volunteer
- School governors who have served as a governor for at least 12 consecutive months in the last 5 years, provided they have not been teachers or headteachers during this time
- Headteachers or individuals who have been a headteacher within the last 5 years

A person may not serve as a member of a review panel if they:

- Are a member of the local authority or governing board of the excluding school
- Are the headteacher of the excluding school, or have held this position in the last 5 years
- Are an employee of the local authority or the governing board, of the excluding school (unless they are employed as a headteacher at another school)
- Have, or at any time have had, any connection with the local authority school, governing board, parents or pupil, or the incident leading to the exclusion, which might reasonably be taken to raise doubts about their impartiality

The LA will decide if a clerk will be appointed to the panel.

The independent panel will decide one of the following:

- Uphold the governing board's decision
- Recommend that the governing board reconsiders reinstatement
- Quash the governing board's decision and direct that they reconsider reinstatement (only when the decision is judged to be flawed)

The panel's decision can be decided by a majority vote. In the case of a tied decision, the chair has the casting vote.

School registers

A pupil's name will be removed from the school admissions register if:

- 15 school days have passed since the parents were notified of the exclusion panel's decision to not reinstate the pupil and no application has been made for an independent review panel, or
- The parents have stated in writing that they will not be applying for an independent review panel

Where an application for an independent review has been made, the governing board will wait until that review has concluded before removing a pupil's name from the register.

Where alternative provision has been made for an excluded pupil and they attend it, code B (education off-site) or code D (dual registration) will be used on the attendance register.

Where excluded pupils are not attending alternative provision, code E (absent) will be used.

Reconsidering reinstatement following a review

Where the independent review panel **instructs** the governing board to reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision.

The school is aware that if, following an **instruction** to reconsider, the governing board does not offer to reinstate the pupil, then a £4,000 adjustment will be made to the school's budget.

Where the independent review panel **recommends** that the governing board should reconsider their decision not to reinstate a pupil, they will do so within 10 school days of being given notice of the review panel's decision. The school is aware that if, following a recommendation to reconsider, the governing board does not offer to reinstate the pupil, it will not be subject to a financial adjustment. If, following reconsideration, the governing board offers to reinstate the pupil but the parents decline, no adjustment will be made to the school's budget.

Following reconsideration, the governing board will notify the parents, headteacher and LA of their reconsidered decision and the reasons for this.

Criminal investigations

The headteacher will not postpone taking a decision to suspend or exclude a pupil due to a police investigation being underway, or any criminal proceedings that are in place.

Particular consideration will be given by the headteacher when deciding to suspend or exclude a pupil where evidence is limited by a police investigation, to ensure that any decision made is fair and reasonable.

If the governing board is required to consider the headteacher's decision in these circumstances, they will not postpone the meeting and will make a decision based on the evidence available.

Training requirements

The LA will ensure that all independent review panel members and clerks have received training within the two years prior to the date of the review. Training will cover:

- The requirements of the legislation, regulations and statutory guidance governing suspensions and exclusions.
- The need for the panel to observe procedural fairness and the rules of natural justice.
- The role of the chair of a review panel.
- The role of the clerk to a review panel.
- The duties of headteachers, governing boards and the panel under the Equality Act 2010.
- The effect of section 6 of the Human Rights Act 1998 and the need to act in a manner compatible with human rights protected by that Act.

Clerks will also have an up-to-date understanding on developments in case law which are relevant to suspension and exclusion.

Using Data

The headteacher will ensure that all data regarding suspensions and exclusions is collected and provided to the governing board on a termly basis. The governing board will review this data regularly in order to:

- Consider the level of pupil moves and the characteristics of pupils who are moving on any permanent exclusions to ensure that this is only being used as a last resort.
- Gather information on pupils who are taken off the roll and those who are on the roll but attending education off-site.

- Consider the effectiveness and consistency in implementing the Behaviour Policy.
- Understand any variations in the rolling average of permanent exclusions to ensure they are only used when necessary.
- Understand the characteristics of suspended and excluded pupils and evaluate equality considerations.
- Gather information on where pupils are receiving repeat suspensions.
- Evaluate interventions in place to support pupils at risk of suspension and exclusion, including where there are patterns which may indicate that certain policies and support measures are or are not working.
- Analysing whether the placements of pupils directed off-site into alternative provision are reviewed at sufficient intervals to assure that the education is achieving its objectives.

APPENDIX 1: Exclusions

Legal Framework and Governance Matters relating to suspension and/ or permanent exclusion:

Legislation and statutory guidance

The suspension and permanent exclusion element of this policy is based on statutory guidance from the Department for Education: [School suspensions and permanent exclusions](#) (updated September 2022)

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](#)

[Alternative provision – statutory guidance for local authorities](#)

Stivichall Primary School

Coat of Arms Bridge Road, Coventry, CV3 6PY
Tel: 024 7641 9555 Fax: 024 7669 0281
Email: school@stivichall.coventry.sch.uk



Headteacher
Mrs K Ferguson

Dear

I am writing to inform you of my decision to suspend XXX for a fixed period of XXX day(s). This means that he will not be allowed in school for this period. The suspension begins at XXX on XXX and ends at XXX on the same day.

I realise that this suspension may well be upsetting for you and your family, but the decision to suspend XXX has not been taken lightly. XXX has been suspended for this fixed period for the following reason:

XXXXX

We will set work for XXX to be completed on the day specified in the first paragraph as this is a school day during the period of their suspension. Work will also be set on Seesaw. Please ensure that work set by the school is completed and returned to us promptly.

You have a duty to ensure that your child is not present in a public place in school hours during this suspension on the date above unless there is reasonable justification for this. I must advise you that you may receive a penalty notice from the local authority if your child is present in a public place during school hours on the specified dates. If so, it will be for you to show reasonable justification.

You have the right to make representations about this decision to the governing body of the school. If you wish to make representations please contact Ms Kirstie Wren, chair of the governing body, email address k.wren@stivichall.coventry.sch.uk, as soon as possible. Whilst the governing body has no power to direct reinstatement, they must consider any representations you make and may place a copy of their findings on your child's school record.

You should also be aware that if you think the suspension relates to a disability your child has, and you think disability discrimination has occurred, you have the right to appeal, and/or make a claim, to the First-tier Tribunal (Special Educational Needs and Disability). The address to which appeals should be sent is SENDIST, Mowden Hall, Staindrop Road, Darlington DL3 9BG.

You and XXX are requested to attend a reintegration interview with a member of the senior leadership team at school on XXX at a time to be confirmed. If that is not convenient, please contact the school immediately to arrange a suitable alternative date and time. The purpose

of the reintegration interview is to discuss how best your child's return to school can be managed. Failure to attend a reintegration interview will be a factor taken into account by a magistrates' court if, on future application, they consider whether to impose a parenting order on you.

You also have the right to see a copy of XXX's school record. Due to confidentiality restrictions, you will need to notify me in writing if you wish to be supplied with a copy of XXX's school record. I will be happy to supply you with a copy if you request it. There may be a charge for photocopying.

You may wish to contact the Education and Learning Services at the Local Authority on (024) 7683 1615 or the Parent partnership Service on (024) 7669 4307, who can provide advice. The Department for Education statutory guidance on suspensions can be obtained from <http://www.education.gov.uk/schools/pupilsupport/behaviour/suspension/g00210521/statutory-guidance-regs-2012> .

You may also find it useful to contact the Coram Children's Legal Centre: www.childrenslegalcentre.com 08088 020 008 – an independent national advice centre.

XXX's suspension expires on XXX at XXX and we expect XXX to be back in school on XXX following the reintegration meeting.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Ferguson', written in a cursive style.

Mrs K Ferguson
Headteacher

