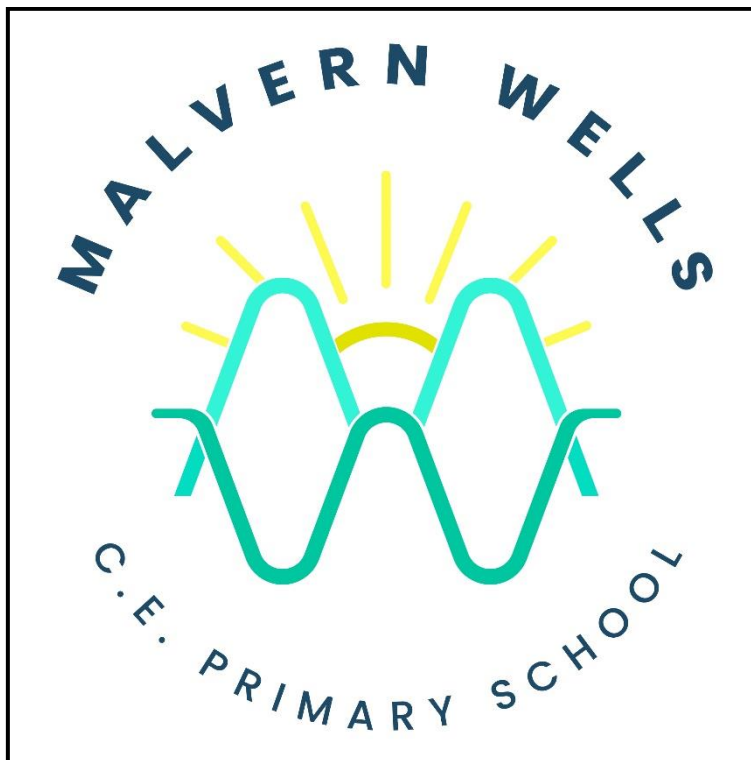


# Malvern Wells CE Primary School

## Suspension and Permanent Exclusion Policy



*‘Let Your Light Shine.’*

We aspire for everyone at Malvern Wells to be the BRIGHTEST version of themselves, equipped with the knowledge that they are unconditionally loved by God who sees their intrinsic value, free to take risks, make mistakes and grow in the safety of his forgiveness ready for the plans and purposes He has in store for their bright future.

*Let YOUR Light Shine by Letting His Light Shine through You!*

Policy Author:	
Date of Policy:	
Date approved by Governors:	
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## **At Malvern Wells C of E Primary School, we follow the Worcestershire Local Authority guidance on suspension and exclusion.**

### **Preamble**

This policy upholds the fact that it is the right of all pupils to be educated in a safe, nurturing environment where they feel protected from physical or verbal assault.

It is the right of children to come to a calm and well-ordered school where they can learn without continued distraction or disruption and trust that they will be safe.

It is the right of staff to work in a safe environment where they are spoken to with respect and not threatened or assaulted physically or verbally.

Children at risk of exclusion also have these rights, and we will endeavor to include and offer change in behavior and attitudes to those pupils, in line with others as part of the equality duty and Diocesan vision for pupils and staff.

### **1 Policy Aims**

1.1 In this caring and inclusive church school we want children to be “the light of the world. A city that is set on a hill cannot be hid” (Matthew 5 v 14) and ‘Let Their Light Shine’. This means achieving ambitious outcomes and fulfil their brightest potential through mutual support and a high-quality education. Suspension and Permanent exclusions will always be a last resort and the school will always make strenuous efforts to include pupils showing challenging behaviour and facilitate improvement and change in this behaviour in line with culture and values (and expecting) our Christian Values of *community, courage, compassion and commitment*. This policy aims to ensure we consider and use any kind of exclusion in accordance with best practice, DfE advice, the law and also our own compassionate and inclusive school vision.

1.2 It is only as a last resort that we use suspension or permanent exclusion in our inclusive, nurturing school. With the help of LA services, we try to avoid and the behaviours that would result in the suspension or permanent exclusion.

1.3 We see our work as being in partnership with parents and carers and at all points during the exclusion process, we are open and honest about why these actions have been taken.

1.4 We also act to uphold our duties under the Education and Inspections Act 2006 where by law headteachers of maintained schools and pupil referral units must determine measures to be taken with a view to:

- a. promoting, among pupils, self-discipline, and proper regard for authority,
- b. encouraging good behaviour and respect for others on the part of pupils and, in particular, preventing all forms of bullying among pupils,
- c. securing that the standard of behaviour of pupils is acceptable,
- d. securing that pupils complete any tasks reasonably assigned to them in connection with their education,  
and
- e. 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.

1.5 We also act to uphold our duties under the Equality Act 2010 and Children and Families Act 2014, taking steps to eliminate any form of discrimination against individuals or groups as a result of the protected characteristics 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
- 6Understanding your data: a guide for school governors and academy trustees - GOV.UK ([www.gov.uk](http://www.gov.uk)) 7Section 88 of the Education and Inspections Act 2006. 9
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

1.5 Only the headteacher (or someone authorised to act as the headteacher in the headteacher's absence – the "acting headteacher") may suspend or exclude a pupil from school.

## **Suspensions and Permanent Exclusions**

Exclusion is when your child is sent home from school for not following the school's behaviour policy. It is the headteacher's decision. There are two types of exclusions, a suspension (fixed term) and a permanent exclusion (the child must leave the school).

### **2 Suspensions (formerly 'Fixed Term Exclusions')**

2.1 Pupils and parents must be told what period pupils they are suspended for. Suspensions cannot be left open-ended.

2.2 Pupils can be suspended for up to 45 days in a school year. This is the total maximum number of days before it is deemed to be a permanent exclusion.

2.3 Lunchtime suspensions each count as half-day suspensions.

2.4 Work will be set by school and marked for the first five days of suspension. The school will need to make alternative educational provision for any suspension over five days.

2.5 Parents must ensure that their child is not present in a public place during school hours for the first five days of any suspension without reasonable justification. Parents may be prosecuted or given a fixed penalty notice if the child breaks this rule.

### **3 During a suspension, what information should the school provide and by when?**

3.1 Whenever headteachers suspend a pupil they must, without delay, notify parents of the period of the suspension and the reasons for it.

3.2 They must also, without delay, provide parents with the following information in writing, by delivering it directly to the parents; leaving it at their last known address; or by posting it to their address.

3.3 The letter the school sends you must tell you:

- a) The reasons for the suspension;
- b) The period of a suspension or, for a permanent exclusion, the fact that it is permanent;
- c) the parents' right to make representations about the suspension to the governing body (in line with the requirements set out in Section 4.1 of the guidance) and how the pupil may be involved in this;
- d) how any representations should be made; and
- e) where there is a legal requirement for the governing body to consider the suspension or exclusion, that parents have a right to attend a meeting, be represented at this meeting (at their own expense) and to bring a friend.
- f) where a suspended or excluded pupil is of compulsory school age the headteacher must 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;

- g) details of any alternative provision that is to be arranged.;
- h) arrangements that have been made to enable the pupil to continue his / her education prior to the start of any alternative provision or the pupil's return to school;
- i) relevant sources of free and impartial information.

3.4 The headteacher must also inform the Local Authority of the decision with immediate effect. Other notifications relate to the child having a social worker in social care and / or being a Child Looked After (fostered in Local Authority care). In these instances, the Headteacher has an additional legal duty to inform the social worker and Virtual School head with immediate effect.

3.5 The headteacher may cancel (withdraw or rescind) a suspension or exclusion, notifying all relevant parties (see 3.3 and 3.4 above) of this decision and of its rationale.

#### **4. What are my rights?**

4.1 For suspensions of five days or less, you can write to the school governors stating your case, they must consider your representations but they cannot overturn the decision. They may agree to meet you if requested, however there is no time limit or requirement for them to meet.

4.2 For all other for suspensions where a pupil would be excluded for more than five school days in the term but not over 15 days, you have the right to make representations, and the governing body must consider within 5 school days of receiving notice of the suspension whether the excluded pupil should be reinstated. If you do not make any representations, the governing body is not required to meet and cannot direct the reinstatement of the pupil.

4.3 If your child has received a suspension the school should consider whether a multi-agency meeting / Early Help Assessment (previously known as a Common Assessment Framework / CAF) should be convened to ensure the people working with you are working together to identify any additional support which may be required to ensure your child's needs are being met. You too can also make a referral for Early Help through the Family Front Door and they can be contacted on **01905 822666**.

4.4 For suspensions amounting to over 15 days in one term and/or where your child will miss a public exam, the school Governors/Academy Trust must consider whether a suspended pupil should be reinstated within 15 days of receiving notice of the suspension. You will be invited to this meeting and you can put your case forward. After this meeting, the Governors' decision is final and binding.

#### **5 What happens at the Governors/Teaching and Learning Committee meeting?**

5.1 The governing body of a maintained school may delegate their duties to consider a suspension decision to a committee consisting of at least three governors.

5.2 Academies must have robust systems of governance in place to ensure that the process for considering the suspension decision is lawful, reasonable and a fair procedure is followed

5.3 The following people must be invited to a meeting of the governing body and allowed to make representations:

- a. parents (and, where requested, a representative or friend);
- b. the headteacher; and
- c. a representative of the local authority (in the case of a maintained school or PRU). Parents may invite a representative of the local authority to attend a meeting of an academy's governing body as an observer; that representative may only make representations with the governing body's consent. This can be done by contacting the Exclusions Officer on 01905 678200.).

5.4 When arranging a meeting to consider the reinstatement of the suspended pupil, the governing body should:

- a. not discuss the suspension with any party outside the meeting;
- b. ask for any written evidence in advance of the meeting (including witness statements and other relevant information held by the school, such as those relating to a pupil's SEND);
- c. where possible, circulate any written evidence and information, including a list of those who will be present, to all parties at least five school days in advance of the meeting;
- d. allow parents and pupils to be accompanied by a friend or representative
- e. identify the steps it will take to enable and encourage the excluded pupil to attend the meeting and speak on his / her own behalf (such as providing accessible information or allowing them to bring a friend), taking into account the pupil's age and understanding; or how the excluded pupil may feed in his / her views by other means if attending the meeting is not possible.
- f. ensure all parties (including you) will be supported to participate in its consideration of the suspension and have their views properly heard
- g. ensure all parties leave to allow the Governors to make their decision.
- h. take clear minutes of the meeting to be made available on request.

## **6 Reintegration back to school**

We will hold a reintegration meeting after suspension. We will then agree a reintegration strategy and put it in place to outline appropriate interventions, for example putting in place a Pastoral Support Plan (PSP) or reviewing your child's Special Educational Needs. The suspension cannot be extended just because the reintegration interview cannot be held or the strategy hasn't been discussed. Pupils **must** return to school on the date originally set out in the suspension letter.

## **7 What if my child is suspended without a letter confirming the suspension?**

A letter of suspension should be sent to you without delay. A letter of suspension allows you the right to express your concerns to the Governors. Without this letter the suspension **may** be unofficial. The guidance from the Department for Education (DfE) makes it clear that unofficial suspensions are illegal even with parental consent. If you believe your child has received an unofficial suspension and you wish to complain, please see guidance available on <https://www.gov.uk/complain-about-school> or talk to SENDIASS for more information.

## **8 I feel that my child's suspension from a school is unfair. What can I do?**

8.1 Schools must have a behaviour policy which clearly outlines punishments and their severity, if you are in any doubt about your child's ask to see a copy of this policy.

8.2 Depending on the length and type of suspension (as explained above) parents / carers have a right to express their concerns to the Governors. You also have the schools' complaints procedures open to you with information available at <https://www.gov.uk/complain-about-school> or you can talk to SENDIASS for more information.

8.3 SEND Information, Advice and Support Service Worcestershire Tel: 01905 768153 Web: [www.SENDworcestershire.co.uk](http://www.SENDworcestershire.co.uk) Email: [Sendiass@worcestershire.gov.uk](mailto:Sendiass@worcestershire.gov.uk)

## **9 My child has a special educational need (SEND) - how do suspensions and exclusions affect my child and me?**

9.1 Schools should make every effort to avoid excluding pupils who are being supported under the Special Educational Needs Disabilities Code of Practice, including those who are being assessed for an Education, Health and Care Plan. Other than in the most exceptional circumstances, schools should avoid permanently excluding pupils with an Education Health and Care Plan.

9.2 If your child is at risk of Permanent Exclusion and has an Education, Health and Care Plan, the school should be calling an Emergency Interim Review (EIR). The purpose of this review is to identify what steps can be taken to ensure that the needs of the pupil can be met.

## **10 Looked After Children (LAC)**

10.1 Schools should avoid permanently excluding Looked-After Children. Schools are encouraged to contact the Integrated Service for Looked-After Children (ISL) if there are issues for the child/young person in school or if they are finding it difficult to meet the child's needs. Schools should liaise with the Virtual School with responsibility for the child's education to put suitable support in place with a view to maximising inclusion.

## **11 What alternatives are there to suspension and permanent exclusion?**

11.1 Schools are encouraged to consider other alternatives. Some of these alternatives are outlined below:

- a) **Internal seclusion** An internal seclusion is where a child is removed from class but not the school premises. Appropriate support and supervision should be provided while they continue with their work.
- b) **Pastoral Support Plan (PSP)** This is a 16-week structured method of monitoring behaviour and is separate from an Individual Education Plan which is used to monitor teaching strategies and progress of children who have been identified as having special educational needs. PSPs positively outline goals, strategies and targets to enable a child to improve their behaviour. They are reviewed regularly.

Parents/carers should be invited to be involved with the PSP. All pupils on a part-time timetable should be on a PSP and any changes to that timetable should be included on the PSP. The PSP format and toolkit we use is provided by the Behaviour Outreach Team at Perryfields Primary Pupil Referral Unit with whom we work in partnership for the benefit of families and pupils. This is a consistently Outstanding school and act as the Regional Behaviour Hub. Managing inclusion through a PSP is accompanied by a referral to Perryfields Behaviour Outreach in order that the child receives the best and most inclusive practice grounded in quality external advice.

- c) **Managed move** A managed move is an opportunity for a pupil to have a fresh start in a new school. During a trial period for a suggested period of 10 school weeks the pupil is registered at both schools and if successful, the pupil will go on the new school register. Parents should never be pressured into moving their child from a school under the threat of permanent exclusion. This would count as an unofficial exclusion.
- d) **Off-site direction**
  - a. A temporary measure where the governing board of a maintained school like Malvern Wells CE Primary School may direct that a child is educated at another school or Alternative Provision Setting for a fixed period to support the improvement of behaviour.

## 12 Permanent Exclusion

- a) You will receive a letter from the school confirming that the exclusion is Permanent
- b) You will receive a letter and information pack from the Exclusions team which outlines the options available to continue your child's education at this time
- c) You will need to confirm with the Exclusions team which option you will be taking (Return to another mainstream school, Elective Home Education, Private Education or placement at the identified Pupil Referral Unit/Alternative Provider)
- d) Within three school days you will be contacted by the placement offered to you as 6<sup>th</sup> day provision by the Local Authority, and an induction meeting will be arranged if you have chosen to accept this placement
- e) Within six days of the exclusion your child will be able to start at the Pupil Referral Unit/Alternative Provider if this option is taken and agreed by yourself whilst you are identifying the school that your child will move onto from this placement

## 13 Your right to challenge the exclusion

- a) You will be invited to attend a School Disciplinary Committee Meeting (SDC) which must be held within 15 school days of the permanent exclusion.
- b) Exclusion documents will be sent to you from the school five days before the meeting
- c) The meeting will be held and if the decision **is to reinstate** your child, they can return to school.
- d) If the decision **is upheld** and you dispute the governors' decision or the process followed you may request an Independent Review by writing to the named person in the decision letter, giving clear reasons for your request for a review of the decision. This request must be made within the timescales set out within the letter from the Governors.

## 14 The Independent Review Panel (IRP)

- a) The IRP may uphold the governors' decision, recommend that the Governors reconsider their decision, or they may quash the permanent exclusions and direct the governors to reconsider their decision
- b) If you believe your child has SEND and wish for a SEND expert to be present at the IRP, you must state this in your letter when requesting an Independent Review and ask for a Special Educational Needs expert to attend the Review meeting.

### 15 Other appeal processes

- a) If you believe your child has a disability and has suffered discrimination you can apply to the First Tier Tribunal.
- b) For other types of discrimination, you may claim through the County Court. These claims can run concurrently with an Independent Review.

16 SEND and Disability Discrimination claims and Discrimination claims to the Tribunal or County Court must be made within six months from the date of exclusion.

### 17 Record Keeping and Reporting

17.1 Records will be kept of exclusions for the purposes of reflection and analysis: informing ongoing provision for the child and the development of whole school policies and provision. These will be stored securely in accordance with data protection regulations and the GDPR.

17.2 The headteacher will report to governors termly on the number and duration of exclusions and will discuss trends and impact, but this information will be entirely anonymised and presented as without identifying families and pupils.

### 18 For further information please contact:

- a. **Department for Education, Exclusions Guidance**  
Exclusion from maintained schools, academies and pupil referral units in England  
<https://www.gov.uk/government/publications/school-exclusion>
- b. **Coram Children's Legal Centre**  
0300 330 5485  
[www.childlawadvice.org.uk](http://www.childlawadvice.org.uk)
- c. **SEND Information, Advice & Support Service**  
Tel: 01905 768153  
[www.SENDworcestershire.co.uk](http://www.SENDworcestershire.co.uk)
- d. **Department for Education, Behaviour and Attendance**  
[www.education.gov.uk/schools/pupilsupport/behaviour/exclusion](http://www.education.gov.uk/schools/pupilsupport/behaviour/exclusion)
- e. **First Tier Tribunal**  
[www.justice.gov.uk/tribunals/send/appeals](http://www.justice.gov.uk/tribunals/send/appeals)
- f. **SEND Code of Practice**  
<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>
- g. **Complain about a school**  
<https://www.gov.uk/complain-about-school>

19 This policy complements and should be read alongside the following policies:

- a. Behaviour
- b. SEND Information Report
- c. Safeguarding & Child Protection
- d. Attendance
- e. Positive Handling
- f. Equality Statement
- g. Staff Code of Conduct
- h. Supporting Pupils with Medical Conditions
- i. Complaints
- j. Managing Allegations Against Staff

## Glossary

### **Suspension**

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

### **Parent**

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

### **Permanent exclusion**

Where 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** Where a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behavior.

### **Managed move**

Where 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.

**Jen Alford, Headteacher**

**February 2025**