

OUR LADY IMMACULATE CATHOLIC ACADEMIES TRUST

ST JOHN RIGBY PRIMARY SCHOOL

God's will be done through work and play, as we follow Jesus day by day



Suspensions and Permanent Exclusions Addendum

Status: As part of SJR Positive Behaviour & Relationships Policy
Date of Review: Autumn 2023
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WHY DO WE NEED THIS POLICY?

Positive behaviour and relationship management in schools is central to a good education. Schools need to manage behaviour well so they can provide calm, safe and supportive environments which children and young people want to attend and where they can learn and thrive. Being taught how to behave well and appropriately within the context they are in is vital for all children to succeed personally, promoting positive behaviour, empathy, respect, self-esteem, self-discipline, and awareness of appropriate behaviours that support healthy relationships for later life.

A school's culture and values are manifested through the behaviour of all its members. This policy sets out the approach to exclusions, within the statutory framework, taken by St John Rigby Catholic Primary School.

This policy is drafted to be compliant with the [Department for Education's Suspensions and Permanent Exclusion guidance](#) (Sept 2022) and the non-statutory government guidance [Behaviour in Schools](#) (Sept 2022). It also takes account of our public sector equality duty set out in section 149 of the Equality Act 2010.

WHAT ARE OUR KEY PRINCIPLES AND AIMS?

John Rigby is a community based upon the strong Catholic values of Faith, Hope, Forgiveness, Love and Trust. The ethos of our school is that it promotes inclusion and the valuing of each individual, encouraging self-esteem, self-discipline, and mutual respect.

Our mission statement lies at the heart of all we do and underpins our overarching core aims:



- To ensure **God's will** is achieved by empowering our children to develop as happy, safe, confident and successful learners who are able to make informed choices that are in their own and others best interests.
- To enable children to **work** with a joy and love for learning, acquiring the knowledge, skills and behaviours needed to make a positive contribution to society.
- To enable children to **play** with an inquisitive and exploratory mind as they imagine, collaborate and create. They will take ownership of their learning journey and know that limitations are also opportunities for growth, showing courage to sometimes be wrong.
- To inspire children to grow, **day by day**, in their knowledge and understanding of the virtues to live by, reflecting our Gospel values of Faith, Hope, Forgiveness, Love, and Trust, whilst continuing to flourish and discover their unique God given potential.

Through strong relationships with our children, staff are a positive role model who take the time to know each individual, listen to their voice and commit to ensuring each child is valued and respected.

There is a focus on ensuring that children are coached and supported in self-regulation and developing positive relationships with themselves and others. This in turn, supports our children in knowing how they should act towards one another.

As such, we expect high standards of behaviour, politeness, courtesy and co-operation from all members of our school community, where all members should be able to work, learn and achieve their full potential in a calm and orderly environment where everyone is treated with compassion and mutual respect.

Our Exclusion Policy has the following underpinning principles:

- Permanent exclusion will only be used as a last resort, in response to a serious breach or persistent breaches of the school's Positive Behaviour & Relationship Management Policy. Children may be at risk of exclusion from school for behaviour such as:
 - Verbal or physical assault of a child or adult;
 - Persistent and repetitive disruption of lessons and other children's learning, where allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school.
 - Extreme misbehaviour which is deemed outside the remit of the normal range of sanctions

The behaviour of a child outside school can be considered grounds for an exclusion.

- We seek to reduce the number of incidents leading to a suspension and permanent exclusion by promoting a positive atmosphere of mutual respect and discipline within the school, using early intervention to address underlying causes of disruptive behaviour and assessment of whether appropriate provision is in place to support any SEND a child may have. Head teachers will also consider the use of a multi-agency assessment for children who demonstrate persistent disruptive behaviour.
- We regularly monitor the number of suspensions and permanent exclusions to ensure that no group of students is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

Definitions within this policy:

- Suspension – when a pupil is removed from the school for a fixed period. This was previously referred to as a ‘fixed-term exclusion’.
- Permanent exclusion – when 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 – when a governing board of a maintained school requires a pupil to attend another education setting temporarily, to improve their behaviour.
- Managed move – when 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
- Parent – any person who has parental responsibility and any person who has care of the child.

WHO HAS THE AUTHORITY TO EXCLUDE A CHILD FROM SCHOOL?

Suspensions can only be authorised by the Headteacher, or the Deputy Headteacher acting on their behalf. If none are available to authorise this, a decision will be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion this can only be authorised by the Headteacher and must only be done after consulting the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Headteacher of the school. The Headteacher may notify the Education Director and seek Trust legal advice where any potential suspension or permanent exclusion involves a child with special educational needs or a disability (SEND), or a looked-after or previously looked-after child, or for any exclusion where the circumstances are particularly complex.

HOW WILL A DECISION TO EXCLUDE A CHILD FROM SCHOOL BE MADE?

The Headteacher can suspend or permanently exclude a pupil from school on disciplinary grounds. The decision can be made in respect of behaviour inside or outside of school. The headteacher will only use permanent exclusion as a last resort.

A decision to permanently exclude a child will only be taken:

- In response to a serious breach, or persistent breaches, of the school's behaviour policy; and
- Where a child's behaviour means that allowing the child to remain in school would seriously harm the education or welfare of the child or others in the school.

The head teacher reserves the right to permanently exclude a student for a serious one-off offence. This may include (but is not limited to):

- Acts of Violence
- Threatened Violence
- Being in possession of, bringing onto the school site, supplying, dealing or using illegal substances or any related paraphernalia
- Carrying an offensive weapon
- Any act which puts at risk the health and safety of anyone in the school.

When establishing the facts in relation to a possible exclusion, the Headteacher will always 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.’

The Headteacher's decision will always be:

- Lawful
- Rational
- Reasonable
- Fair
- Proportionate

Before issuing a suspension or permanent exclusion, the Headteacher will consider the following:

- **Investigation and evidence:** Ensure that a thorough investigation has been carried out and consider all the relevant facts and evidence on the balance of probabilities, including whether the incident(s) leading to the exclusion were provoked. As per the school's Behaviour Policy, the Headteacher may consider the behaviour of a child outside school as grounds for an exclusion.
- **Child voice:** Allow and encourage the child to give their version of events. The Headteacher will give the child an opportunity to present his or her case taking into account their age and understanding, before taking the decision to exclude unless it would not be appropriate to do so. Children who need support to express their views will be allowed support of an advocate, such as a parent /carer or social worker. The headteacher will not reach their decision until they have heard from the child, and will inform the child of how their views were taken into account when making the decision
- **Vulnerable child:** Find out whether the child comes into a category that is known to be a particularly vulnerable or disadvantaged group e.g. children with SEND, free school meal (FSM) children; looked after children; children with a social worker; certain ethnic groups (for example traveller children); and consider whether all supportive and preventative strategies have been fully utilised.
- **SEND:** Where a child has any SEND, the Headteacher will consider if any reasonable adjustments need to be made and ensure the child has been provided with adequate support, considering whether any further support can be provided. The Headteacher will seek to understand the underlying cause of the behaviour and consider whether the child's SEND influenced their behaviour and if it did, whether it is still appropriate to issue the/a sanction.
- **Social worker/VSH:** Where a student has a social worker or a Virtual School Head (VSH), the Headteacher will ensure they and, as appropriate, any parents; the Designated Safeguarding Lead; and the designated lead for Looked-After Children are involved as early as possible in relevant conversations.
- **Consider alternatives:** Consider whether all relevant initial intervention strategies set out in the [Behaviour in Schools](#) guidance and alternative solutions have been explored, including a managed move.
- **Mitigating circumstances:** Take into account possible short-term mitigating circumstances such as bereavement, mental health issues etc.
- **Safeguarding:** Consider whether there are any safeguarding concerns and whether the Designated Safeguarding Lead should be consulted.

Where a child has received **multiple suspensions** or is approaching the legal limit of 45 school days of suspension in an academic year, headteachers should consider whether fixed-term exclusion is providing an effective sanction. An academic year is defined as a school's academic year beginning with the first day of school after 31 July and ending with the first day of school after the following 31 July

The Headteachers will ensure all legal considerations have been made through use of a Pre-Exclusion Checklist, and will keep a written record of the actions taken including the signed statements of witnesses. Any exclusion of a child, even for short periods of time, will be formally recorded.

The Headteacher will not:

- Exclude any child for non-disciplinary reasons.
- Use exclusion informally or unofficially: children will not be sent home to 'cool off' even with parents' permission. Any exclusion, even for short periods of time, must be formally recorded.
- Extend or 'convert' 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 suspension; or a permanent exclusion may be issued to begin immediately after the end of the suspension.

Lunchtime Suspensions

A suspension can be for parts of the school day. For example, children whose behaviour at lunchtime is disruptive may be suspended from the school premises for the duration of the lunchtime period. In such cases the legal requirements in relation to suspensions, such as the Headteacher's duty to notify parents, still apply.

Lunchtime suspensions are counted as half a school day for statistical purposes and in determining whether a Local Governing Body meeting is triggered.

Reduced Timetable

In very exceptional circumstances there may be a need for a temporary reduced timetable to meet a child's individual needs. For example, where a medical condition prevents a child from attending full-time education and a reduced timetable is considered as part of a re-integration package. A reduced timetable should only be used as a short-term measure. Any pastoral support programme or other agreement must have a time limit by which point the child is expected to attend full time or be provided with alternative provision.

In agreeing to a reduced timetable, a school has agreed to a child being absent from school for part of the week or day and therefore must record it as an authorised absence.

WHAT HAPPENS FOLLOWING A DECISION TO EXCLUDE A CHILD FROM SCHOOL?

Informing Parents

The Headteacher will provide the following information to parents of an excluded child, without delay (usually by phone initially and then followed up in a letter):

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent

The letter will also include:

- Information about parents'/carers' right to challenge or appeal the decision and make representations to the Local Governing Body and how the child may be involved in this.
- Where there is a legal requirement for the Local Governing Body to meet to consider the reinstatement of a child and that parents have a right to attend a meeting, be represented at a meeting (at their own expense) and/or to bring a friend.
- That for the first five school days of a suspension or permanent exclusion (or until the start date of any alternative provision where this is earlier) parents are legally required to ensure that their child is not present in a public place during school hours without a good reason. Parents may be given a fixed penalty notice or prosecuted if they fail to do this.

Notifying Other Relevant Persons

The Headteacher will also notify The Chair of Governors and SEL of the Our Lady Immaculate Catholic Academy Trust and relevant school staff of all Fixed Term and Permanent Exclusions the same day of the production of the exclusion letter; notification will clearly outline:

- The reason(s) for the suspension or permanent exclusion.
- The length of a suspension or, for a permanent exclusion, the fact that it is permanent.
- If the suspension will result in the child being excluded for more than five school days (or more than 10 lunchtimes) in a term
- If a suspension which would result in the child missing a National Curriculum test.

Notifying the child's social worker and/or virtual school head (VSH)

As noted above, if:

- A child with a social worker is at risk of suspension or permanent exclusion, the Headteacher will inform the social worker as early as possible.
- A child who is a looked-after child (LAC) is at risk of suspension or exclusion, the Headteacher will inform the VSH as early as possible.

This is in order to work together to consider what factors may be affecting the child's behaviour, and what further support can be put in place to improve the behaviour.

If the Headteacher decides to suspend or permanently exclude a child with a social worker or who is looked after, they will inform the social worker/the VSH, of the relevant details as above, without delay

The social worker/VSH will be invited to any meeting of the Local Governing Body about the suspension or permanent exclusion. This is so they can provide advice on how the child's background and/or circumstances may have influenced the circumstances of their suspension or permanent exclusion. The social worker should also help ensure safeguarding needs and risks and the child's welfare are considered.

CAN A SUSPENSION OR PERMANENT EXCLUSION BE CANCELLED?

The headteacher may decide to cancel a suspension or permanent exclusion that has already begun. This will only be done where it has not yet been reviewed by the governing board. Where a decision for cancellation has been made:

- The parents, governing board and LA will be notified without delay.
- Where relevant, any social worker and VSH will notified without delay.
- Parents will be offered the opportunity to meet with the headteacher to discuss the cancellation.
- The pupil will be allowed back in school.
- The headteacher will report to the governing board once per term on the number of cancellations.

WHAT ALTERNATIVE EDUCATION IS AVAILABLE DURING A SUSPENSION?

During the first five days of a suspension

During the first five days of a suspension, if the child is not attending alternative (AP) provision, the Headteacher will take steps to ensure that achievable and accessible work is set and marked for the child. Online pathways such as Microsoft Teams or Oak Academy may be used for this.

If the child has a special educational need or disability, the Headteacher will make sure that reasonable adjustments are made to the provision where necessary.

If the child is looked after or if they have a social worker, the school will work with the Local Authority to arrange AP from the first day following the suspension or permanent exclusion. Where this is not possible, the school will take reasonable steps to set and mark work for the child, including the use of online pathways.

For a suspension of more than five school days

If a suspension is more than five school days, the school will arrange suitable full-time education for the child to begin no later than the sixth day of the exclusion. However, the school will attempt to start this provision as soon as possible.

Where a child receives consecutive suspensions, these are regarded as a cumulative period of exclusion for the purposes of this duty. The school's duty to arrange education from the sixth day of a suspension is triggered by consecutive fixed-term exclusions totalling more than five days, regardless of whether this is as a result of one suspension or more than one suspension.

For Permanent Exclusions, the Local Authority has responsibility for arranging suitable full-time education for the child.

Managed-Move

A child can transfer to another school as part of a 'managed move' with the consent of the parties involved, including the parents and the admission authority of the school. Alternatively, the school may organise for the child to spend some or all of their suspension time at a partner school, again with the consent of all parties

Off-site Direction

Schools may direct children for off-site for education through an alternative provider, such as a Pupil Referral Unit, to improve their behaviour.

If alternative provision is being arranged, the following information will be included when notifying parents of a fixed-term exclusion:

- The start date for any provision of full-time education that has been arranged.
- The start and finish times of any such provision, including the times for morning and afternoon sessions, where relevant.
- The address at which the provision will take place.
- Any information required by the child to identify the person they should report to on the first day.

IS THERE A RE-INTERGRATION STRATEGY?

Following suspension, the school will put in place a strategy to help the child reintegrate successfully into school life and full-time education. Where necessary, the school will work with third-party organisations to identify whether the child has any unmet special educational and/or health needs.

The following measures may be implemented, as part of the strategy, to ensure a successful reintegration into school life:

- Maintaining regular contact during the suspension and welcoming the child back to school.
- Daily contact in school with a designated pastoral professional.
- Mentoring by a trusted adult or a local mentoring charity.
- Regular reviews with the child and parents to praise progress being made and raise and address any concerns at an early stage.
- Informing the child, parents and staff of potential external support.

Part-time timetables may be used as part of a re-integration strategy; however, if used, it will be put in place for the minimum time necessary.

The re-integration strategy will be regularly reviewed and adapted where necessary throughout the reintegration process in collaboration with the child, parents, and other relevant parties.

Reintegration meeting

All children returning from a suspension are required to attend a re-integration meeting, accompanied by a parent, a member of senior staff, and any other relevant staff; The meeting can proceed without the parents in the event that they cannot or do not attend.

The meeting will seek to establish practical ways in which further exclusion can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school. The aim is that the child will be able to return to school and that further input will promote in him/her a more positive attitude and a subsequent improvement in behaviour.

During the meeting the school will explain the reintegration strategy to the child, and communicate that they are getting a fresh start and that they are a valued member of the school community.

The re-integration meeting will outline the intervention and support being put in place to support the child to enable access to school and education, as well as any support being provided to the parents or commitment required to support the process.

A record of the meeting and signed re-integration form will be kept, a copy of which will be shared with parents.

Permanent Exclusions

A school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. However, there are exceptional circumstances in which a headteacher may decide to permanently exclude a child because of ongoing issues or even for a 'one-off' incident.

If a child has been permanently excluded the school's governing body is required to review the headteacher's decision and parents may meet with them to explain their views on the exclusion.

WHAT IS THE ROLE OF THE GOVERNING BODY?

Responsibilities regarding reviewing exclusions are delegated to the school's Local Governing Board (Local Academy Committee)

It has a duty to consider the reinstatement of a suspended or permanently excluded child within 15 school days of receiving the notice of the exclusion if:

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

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. The Local Academy Committee (LAC) has a duty to consider parents' representations about a suspension or permanent exclusion.

If requested to do so by parents, a LAC panel will also hear representation to consider the reinstatement of an excluded child. The panel can either:

- decline to reinstate the pupil, or
- direct the reinstatement of the pupil immediately, or on a particular date.

In reaching a decision, the panel will consider whether the 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 exclude.

Minutes will be taken of the meeting, and a record of evidence considered kept. The LAC will notify, in writing, the Headteacher, parents, the LA (and where relevant the social worker and VSH) of its decision, without delay. The LAC should set out the reasons for its decision in sufficient detail to enable all parties to understand why the decision was made.

Where an exclusion is upheld by the LAC, the letter will also include the following:

- The fact that it is a permanent exclusion.
- Notice of parents' right to ask for the decision to be reviewed by an Independent Review Panel.

WHAT HAPPENS AT AN INDEPENDENT REVIEW PANEL?

Applications for an independent review must be made by the parents within 15 school days of notice being given to the parents by the LAC of its decision to not reinstate a pupil. If parents apply for an independent review, the Clerk to the Local Governing Body will arrange for an independent panel to review the decision of the LAC not to reinstate a permanently excluded pupil.

The independent panel will decide one of the following:

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

WILL A CHILD'S NAME BE REMOVED FROM THE SCHOOL REGISTER FOLLOWING EXCLUSION?

Where a pupil's name is to be deleted from the school admissions register because of a permanent exclusion, the school must make a return to the Local Authority. 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 Local Academy Committee'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 Local Governing Body will wait until that review has concluded before removing a child's name from the register.

HOW WILL THIS POLICY BE MONITORED AND REVIEWED?

The impact of this policy will be reviewed by the headteacher and senior leadership team, using data to consider the following:

- Attendance and punctuality
- Internal sanctions, and suspensions and permanent exclusions
- Stakeholder surveys on their perceptions and experiences around behaviour
- Analysis of data considering perspectives such as, age group, time of day/week/term, protected characteristic

The data will be analysed every term and reported back to the headteacher. The school will use the results of this analysis to make sure it is meeting its duties under the Equality Act 2010. If any patterns or disparities between groups of pupils are identified by this analysis, the school will review its policies in order to tackle it.

The headteacher will make a termly report to the Local Academy Committee on all key data and information relating to suspensions and permanent exclusions, covering:

- punctuality and attendance figures
- the number and type of exclusions
- the reasons for the suspension or permanent exclusions
- context around the suspension or permanent exclusions, e.g. gender, ethnicity, and age of child and whether they were already on Individual Education Programmes or Pastoral Support Programmes
- repeated suspensions and the school's response to them

HOW DOES THIS POLICY LINK TO OTHER SCHOOL POLICIES?

The Suspension and Permanent Exclusion Policy should be read in alongside with the St John Rigby's Positive Behaviour & Relationships Management Policy.

Other relevant Trust and School Policies include:

- Inclusion - SEND Policy
- Equality Policy
- Attendance Policy