



# Walkwood

Church of England  Middle School

## Suspension and Exclusion Policy

Governing Body Committee responsible:

Ethos, Inclusion and Care

Approval granted:

5 July 2021

Review date:

Summer 2024

“God did not give us a spirit of cowardice, but rather a spirit of power and of love and of self-discipline.”

2 Timothy 1: 7

“Church of England Schools have at their heart a belief that all children are loved by God, are individually unique and that the school has a mission to help each pupil to fulfil their potential in all aspects of their personhood: physically, academically, socially, morally and spiritually. Schools have a duty to try to remove any factor that might represent a hindrance to a child’s fulfilment. We want all pupils to want to engage in learning in a safe and welcoming ethos.”

*Valuing All God’s Children, Church of England, 2014*

“The core purpose of any Church school is to maximise the learning potential of every pupil within the love of God.”

*SIAMS (Statutory Inspection of Anglican and Methodist Schools) 2012*



## Purpose

It is the policy of Walkwood Church of England Middle School to try to deal with all behavioural issues in an active, positive way, employing a wide range of strategies, including those specifically designed to avoid such issues reaching the point of exclusion.

This policy is based on statutory guidance from the Department for Education: [Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#).

It is based on the following legislation, which outlines schools' powers to exclude pupils:

- Section 51a of the Education Act 2002, as amended by the Education Act 2011
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012

In addition, the policy is based on:

- Part 7, chapter 2 of the [Education and Inspections Act 2006](#), which sets out 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](#)
- [The Equality Act 2010](#)
- [Children and Families Act 2014](#)

This policy complies with our funding agreement and articles of association.

## Definitions

**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.

**Parent** – any person who has parental responsibility and any person who has care of the child.

**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.

## Introduction

We aim to provide a happy, healthy and safe school by:

- recognising, reflecting and celebrating the skills, talents, contributions and diversity of all our pupils and staff members;
- providing high quality pastoral care, support and guidance;
- safeguarding the health, safety and welfare of pupils and staff;



- listening and responding to the concerns of pupils and parents;
- taking care to balance the needs of all members of the school community.

## Principles

Exclusion is a sanction used by the school only in cases deemed as serious breaches of the Living and Learning Together Policy.

The reasons below are examples of the types of circumstances that may warrant a suspension or permanent exclusion.

- Physical assault against a pupil
- Physical assault against an adult
- Verbal abuse or threatening behaviour against a pupil
- Verbal abuse or threatening behaviour against an adult
- Use, or threat of use, of an offensive weapon or prohibited item that has been prohibited by a school's behaviour policy
- Bullying
- Racist abuse
- Abuse against sexual orientation or gender reassignment
- Abuse relating to disability

This list is non-exhaustive and is intended to offer examples rather than be complete or definitive

The school seeks to reduce the number of incidents leading to suspensions and exclusions by promoting a positive atmosphere of mutual respect and discipline within the school.

The Reflection Room is used where internal exclusion takes place under the supervision of Walkwood staff.

The decision to suspend is made solely by the Principal, (or in their absence, the acting Principal). The Principal may consult others, but not anyone who may later have a role in reviewing the Principal's decision. If neither are available to authorise the exclusion a decision should be deferred until the opportunity for authorisation is available.

In the case of a Permanent Exclusion, this can only be authorised by the Principal and must only be done after informing the Chair of Governors of the intention to impose this sanction, although the final decision rests with the Principal.

In exceptional cases, usually where further evidence has come to light, an external fixed term exclusion may be issued to begin immediately after the first period ends; or a permanent exclusion may be issued to begin immediately after the end of the fixed period.



The school regularly monitors the number of exclusions to ensure that no group of pupils is unfairly disadvantaged through their use and that any underlying needs of individuals are being fully met.

The behaviour of pupils outside school can be considered as grounds for exclusion, for example educational visits and journeys, away school sports fixtures or an off-site placement is subject to the School's Living and Learning Together Policy. Inappropriate behaviour in these circumstances will be dealt with as if it had taken place in school. If pupils' behaviour in the immediate vicinity of the school or on a journey to and from school is inappropriate and meets the school criteria for exclusion, then the Principal may decide to exclude.

In considering the evidence in relation to an exclusion decision the civil standard of proof, i.e. 'on the balance of probabilities' it is more likely than not that a fact is true, will be used.

## Notification of a Suspension

Parents will be notified as soon as possible of the decision to exclude a pupil and the reason for the suspension. This will be done on the day of the exclusion being authorised, by either direct phone contact or a face-to-face meeting. A written confirmation of the reason(s) for the suspension and its duration will be sent to parents the same day. This may be by letter or email. The notification will inform the parent that the pupil is not to be present in a public place at any time during school hours without reasonable justification.

A pupil who has been suspended will have the reason for his/her exclusion explained to them by a member of staff so that they understand the nature of their misbehaviour.

The school will also work to put in place a programme for the pupil on his/her return. This will include input from staff at the school, parents, if appropriate, and any other appropriate bodies. Should it be decided for whatever reason that the matter needs to be put in the hands of another agency, i.e. the incident leads to the discovery that there is a child protection issue, the school will continue to monitor the situation and work closely with that agency. It is hoped that in most cases following an suspension, the child will be able to return to school and that further input will promote in them a more positive attitude and a subsequent improvement in behaviour.

The Chair of Governors and relevant school staff will be notified of all suspension the same day of the production of the suspension letter.

A suspension can also be for parts of the school day. For example, if a pupil's behaviour at lunchtime is disruptive, they may be suspended from the school premises for the duration of the lunchtime period. The legal requirements relating to the suspension, such as the headteacher's duty to notify parents, apply in all cases. Lunchtime suspensions are counted as half a school day in determining whether a governing board meeting is triggered.

For the first five school days of an 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 reasonable justification, and that parents may be given a fixed penalty notice or prosecuted if they fail to do so.

## Pupils returning from a Suspension

Any pupil returning from a suspension are required to attend a reintegration meeting, ideally they would be accompanied by a parent. This meeting will seek to establish practical ways in which further suspension can be avoided and behaviour modified to acceptable standards in partnership between pupil, parent and school. During a reintegration meeting, the school shall communicate to the pupil that they are valued, and their previous behaviour should not be seen as an obstacle to future success.

If a part-timetable is in place for return, it shall be for the shortest time necessary. Any pastoral support programme or other agreement shall have a time limit by which point the pupil is expected to attend full-time. There should also be formal arrangements in place for regularly reviewing it with the pupil and their parents. (In agreeing to a part-time timetable, the school has agreed to a pupil being absent for part of the week or day and therefore shall treat absence as authorised.)

## Notification of the Permanent Exclusion

The school will usually only permanently exclude a child as a last resort, after trying to improve the child's behaviour through other means. Parents will be notified by either direct phone contact or a face-to-face meeting.

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

- 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.

If a pupil has been permanently excluded:

- the school's governing body is required to review the Principal's decision and the parent may meet with them to explain their views on the exclusion;
- if the governing body confirms the exclusion, the pupil's parent can appeal to an independent appeal panel organised by the local authority;
- the school must explain in a letter how to lodge an appeal;
- the local authority must provide full-time education from the sixth day of a permanent exclusion.

The school will make arrangements to provide suitable full time education from the sixth day onwards for pupils who have been given an external exclusion lasting longer than five days. Once



alternative provision has been arranged from the sixth day of the exclusion, the Principal must by law inform the parents without delay of the start date, times and venue of the provision. This must be done no later than 48 hours before the alternative provision is to start.

## Making representation

Consideration of and a decision about the reinstatement of a suspended or permanently excluded pupil within 15 school days of receiving the notice of the suspension or exclusion if:

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

All correspondence regarding an exclusion from the school will inform parents of their right to make representation to the Governing Body against the decision to exclude or suspend. The person who should be contacted to initiate an appeal is the Clerk to the Governors.

## Suspension

For suspensions where a pupil would be suspended for more than 5 but fewer than 16 school days in a term:

- if the pupil's parent(s) make representations, the Chair of Governors (or the Vice Chair if delegated to do so) must consider these and decide on reinstatement within 50 days of receiving the notice of suspension.

If the parents do not make representations, the governing board is not required to meet, and cannot direct reinstatement.

The Chair (or Vice Chair) of Governors shall consider **both** the interests and circumstances of the suspended pupil, **and** that of other pupils, staff, and school community. When establishing the facts in relation to a suspension, the Chair (or Vice Chair) of Governors must 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'.

## Permanent Exclusion

When the governing body is legally required to consider the reinstatement of a permanently excluded pupil they shall:

- not discuss the suspension or permanent exclusion with any party outside the meeting;
- ask for any written evidence in advance of the meeting, including who any witnesses are;
- statements and other relevant information held by the school such as those relating to a pupil's SEN and the pupil's school record;
- 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;
- allow parents and the pupil to be accompanied by a friend or representative



- invite the pupil’s social worker, if they have one, and if the pupil is LAC, the VSH to attend;
- comply with their duty to make reasonable adjustments for people who use the school and consider what reasonable adjustments should be made to support the attendance and contribution of parties at the meeting; including the option for a virtual contribution;
- how the permanently excluded pupil may feed in their views.

The governing body shall consider **both** the interests and circumstances of the permanently excluded pupil, **and** that of other pupils, staff, and school community.

When establishing the facts in relation to a permanent exclusion the governing body must 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’.

In the light of its consideration, the governing board can either:

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

If it decides against the reinstatement of a pupil who has been permanently excluded the parents can request an independent review.

## Independent Review Panels

The school will advise parents that they can request a review of the decision by the governor’s committee to uphold a permanent exclusion. An independent panel can uphold an exclusion but cannot overturn the decision of a governors’ committee. The panel can recommend that the governing body reconsiders its decision, taking account of the findings of the panel. If the panel has grounds for believing that the governors’ decision was flawed, they can direct the governing body to reconsider their decision.

Whether or not a school recognises that a pupil has special educational needs, all parents have the right to request the presence of a SEN expert at an independent review panel. The SEN expert’s role is to provide impartial advice to the panel about how SEN could be relevant to the exclusion.

If applied for by parents within the legal time frame, the school must, at their own expense, arrange for an independent review panel hearing to review the decision of a governing body not to reinstate a permanently excluded pupil. The legal time frame for an application is:

- within 15 school days of notice being given to the parents by the governing body of their decision to uphold a permanent exclusion; or
- where an application has not been made within this time frame, within 15 school days of the final determination of a claim of discrimination under the Equality Act 2010 in relation to the exclusion.

Any application made outside of the legal time frame must be rejected by the school.





The school will not delay or postpone arranging an independent review panel where parents also make a claim of discrimination in relation to the exclusion to the First-tier Tribunal (Special Educational Needs and Disability), or the County Court.

Parents may request an independent review panel even if they did not make a case to, or attend, the meeting at which the governing body considered the exclusion. The school will take reasonable steps to identify a date for the review that all parties are able to attend. However, the review must begin within 15 school days of the day on which the school received the parent's application for a review; (panels have the power to adjourn a hearing if required).

Parents may, at their own expense, appoint someone to make written and / or oral representations to the panel. The governing body will reconsider whether the pupil should be reinstated, doing so conscientiously, whether the panel has directed or merely recommended it to do so. Further representations need not be sought. The governing body is not prevented from taking into account other matters it considers relevant, ensuring that any such information does not make the decision unlawful.

## Equality Act 2010

The school will follow the guidance on the Equality Act 2010 published by the 'Equality and Human Rights Commission' in Section 5.4 entitled 'What equality law means for you as an educational provider.' This guidance states that whilst a 'school must not discriminate against a pupil by excluding them from school', "it does not mean a school cannot exclude a pupil with a protected characteristic". The guidance recognises that "there may be occasions when it is appropriate to exclude a pupil with a protected characteristic;" it stresses it is important that a school does not exclude 'because of' the protected characteristic. A claim of discrimination under this Act should be lodged within six months of the day that the pupil was excluded.

