**Bentley New Village Suspension and Permanent Exclusion Policy**

BENTLEY NEW VILLAGE PRIMARY SCHOOL

HEADTEACHER: Victoria Simmons

2023 2024

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| PERSON RESPONSIBLE FOR POLICY: APPROVED: SLT & Governors | Abigail Smith |
| DATE: March 2023 |
| SIGNED: A. Smith | ROLE: Assistant Head Teacher |
| TO BE REVIEWED: | March 2024 |

## OUR SCHOOL VISION

Together, we will create a calm and welcoming learning environment and work together to secure success for all. We will strive to create a safe, caring, supportive and inclusive school.

Our school will equip its pupils with the skills that society and the local community demand and so we will value the skills and learning that children need in order to look after themselves, their families, their health, their mental well-being and their bodies. We will strive to teach the whole child and create life-long learners and pro-active citizens.

## ETHOS

We believe that:

1. All children can learn. All staff and children are able to recognise the value of learning.
2. *All staff*, working at New Village, will have consistently high expectations of children’s learning potential, attitudes and behaviour and take corporate responsibility for ensuring these in, and around, school.
3. Learning takes place in *all areas* of our school and through the *entire*learning day - inside and outside of the classroom.
4. Children should be taught how to learn; learning how to be an outstanding learner.
5. Consistently challenging, dynamic, engaging and empowering teaching leads to outstanding learning, resulting in a school where *every* child’s potential is realised.
6. *All staff* will value *every child’s contribution* to the school and strive to create a learning environment that brings out the full potential in all.
7. Rigorous, continuous monitoring, thorough and informed evaluation and accurate analysis of *all the elements* of teaching, is essential in ensuring high-level teaching and learning.
8. Learning at New Village will produce and enhance a learning skills-set that will be lifelong; we will actively promote this for every child and for all staff.
9. New Village School will demonstrate its commitment to quality teaching and learning through its dedication to *continuous professional development* for all staff; recognising and exploiting all opportunities to enhance its workforce and the learning environment.
10. All children will be encouraged to develop as individuals.  Their creativity, talents, differences and uniqueness.

## OUR SCHOOL VALUES

Determination – Resilience – Tolerance – Cooperation – Creativity – Curiosity

Our mission statement, **“What Challenges us, Changes us”**

### 1. Suspension Policy and Procedures

This Policy should be read in conjunction with the school’s Managing Emotional Development and Behaviour Policy, Anti-Bullying Policy, SEND Policy and Equality Policy.

Whilst the list is not intended to encompass all situations, a clear division between acceptable and unacceptable behaviours should be obvious, and the statement of principles should guide the school staff and authorities.

This policy and the procedure contained within are subject to any new changes introduced by the Secretary of State for Education and the Department for Education. This policy complies with the Department for Education’s[,](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/921405/20170831_Exclusion_Stat_guidance_Web_version.pdf) ‘Suspension and Permanent Suspensions from maintained schools’ September 2022.

The Department for Education changed the term ‘Fixed Term Exclusion’ (FTE) to ‘Suspension’ from September 1st 2022.

### 2. Acceptable and unacceptable behaviours

* The School is responsible for communicating to pupils, parents and staff its expectations of standards of conduct.
* A range of policies and procedures are in place to promote good behaviour and appropriate conduct, as described in the Managing Emotional Development and Behaviour Policy and the Anti-Bullying Policy and in guidance from the school.
* Each case is treated individually. Pupils should be made aware that they are responsible for their own behaviour and that breaking rules will lead to sanctions.
* No suspension will be initiated without first exhausting other strategies or, in the case of a single incident, a thorough investigation.
* The investigation may be carried out by the Headteacher or by a person appointed by the Headteacher. However, the final decision to suspend must be made by the Headteacher.

### 3. Summary of procedures for dealing with major breaches of discipline

* The Headteacher may exclude a pupil in response to serious or persistent breaches of the school’s Managing Emotional Development and Behaviour Policy and/or Anti-Bullying Policy and where allowing the pupil to remain would seriously harm the education or welfare of the pupil or others in the School. The Headteacher should contact the parents immediately and provide them with a written notice of the suspension stating clearly the reasons for it.
* A meeting involving parents, the pupil and support agencies (where applicable) should be convened. The Headteacher may decide to permanently exclude a pupil after completing a thorough investigation and consulting the Governing Body.
* Parents have the right to request a meeting with a group of Governors for suspensions of 6 school days or more (or in instances where the total number of suspensions for a pupil exceeds 15 school days in one term). The Headteacher must inform the Local Authority immediately. For all permanent exclusions the Headteacher should inform Local Authority and convene a meeting with Governors within 15 school days.
* The Headteacher should offer a reintegration interview following a suspension. If the parents are not satisfied with the decision of the Governors’, they have the right to request a review from an Independent Review Panel. This right is still available if the parents did not attend the meeting with Governors.

### 4. General reasons for suspension

A decision to suspend a pupil, either for a fixed period or permanently is seen as a last resort by the school. The decision to suspend should be lawful, reasonable and fair.

General reasons for suspension may include:

* A serious breach of the school’s rules or policies.
* Persistent breaches of the school’s rules or policies.
* Risk of harm to the education or welfare of the pupil.
* Risk of harm to the education or welfare of others in the school.

### 5. Persistent or cumulative problems

* The school will monitor and record behaviour in order to administer the appropriate sanctions to promote good behaviour and a positive learning environment; however, noting recurring or not-improving behaviour issues may lead to a higher level of sanction being necessary.
* The school will adhere to the provisions of the Equality Act 2010 when making a decision to exclude a pupil. The school will not suspend a pupil for a non-disciplinary reason (such as additional needs or disability, academic attainment or ability, and/or the actions of the parents).
* Suspension for a period of time from half-a-day to five-days for persistent cumulative problems would be imposed only when the school had already offered and implemented a range of support and management strategies, as detailed in the Managing Emotional Development and Behaviour Policy.

### 6. Single incident

* Suspensions may be used in response to a serious breach of school rules and policies or a disciplinary offence. In such cases, the Headteacher will initiate the investigation of the incident thoroughly and consider all evidence to support the allegation, taking account of the school’s policies.
* The pupil will be encouraged to give their version of the events and a check will be made as to whether the incident may have been provoked, for example by bullying or harassment of any kind.
* When establishing the facts, the Headteacher will apply the civil standard of proof (i.e. ‘on the balance of probabilities’). The Headteacher will also consider any contributing factors that may mitigate the situation.
* The Headteacher will inform the Chair of Governors and Local Authority. In certain circumstances, suspension may become permanent after a full investigation.

### 7. Behaviour outside school

* Pupils’ behaviour outside school on school business (for instance on school visits or at a sports fixture) will be dealt with as if it had taken place in school.
* For other behaviour outside the school, the Headteacher may suspend a pupil if there is a clear link between that behaviour and maintaining good behaviour and discipline among the pupil body as a whole, or if it is deemed to be damaging to the reputation of the school.

### 8. Types of suspensions

a). Suspensions

Suspensions should be for the shortest time necessary. Ofsted evidence suggests that one to three days is usually enough to secure benefits without adverse education consequences. For the purposes of this policy:

* If a pupil is suspended during the morning session, the suspension takes effect from the start of the afternoon session.
* If a pupil is suspended during the afternoon session, the suspension takes effect from the next school day.

b). Permanent Exclusion

Permanent exclusion is a very serious decision and the Headteacher will consult the Chair of Governors and Local Authority as soon as possible. As with suspensions, it will follow a range of behaviour management strategies and be seen as a last resort, or it will be in response to a very serious breach of school rules and policies, or a disciplinary offence, such as:

* Serious, actual or threatened violence against another pupil or a member of staff;
* Possession or use of an illegal drug on school premises;
* Carrying or use of an offensive weapon;
* Persistent bullying; or
* Persistent racial harassment
* Persistent harm to the welfare and wellbeing of peers

### 9. Procedure for a suspension

If the Headteacher decides to suspend a pupil for a fixed period of time, they will:

* Inform the Chair of Governors and the Local Authority;
* Ensure that there is sufficient recorded evidence to support the decision;
* Explain the decision to the pupil;
* Contact the parents, explain the decision and ask that child be collected;
* Write to the parents confirming the reasons for the suspension, whether it is permanent or fixed term, its length, and any terms or conditions agreed for the pupil’s return, within one school day;
* In cases of more than a day’s suspension, ensure that appropriate work is set and that arrangements are in place for it to be marked (parents will be asked to sign on receipt); and
* Plan a meeting with the parents and the pupil on their return and how the school will address the pupil’s needs through a reintegration interview.

If a suspension is for 5 school days or less, no action is required from the Governors.

If a suspension is for 15 school days or more, or where the total number of suspensions for the pupil has reached 15 or more school days in one term, the Governors must convene a meeting within 15 school days to review the decision.

When a pupil is suspended/excluded, the governing body has a duty to consider parents’ representations about the suspension.

The governing body will usually delegate that responsibility to the chair of governors.

Whether an exclusions panel is required and the power it has regarding the suspension depends on the circumstances. Where one is required, the selected governors should meet to review the headteacher’s decision. They have the power to do one of two things:

* + Uphold the headteacher’s decision to exclude
  + Reinstate the pupil

If a pupil has received multiple suspensions for 5 school days or less, but the total number of excluded days is between 6 to 15 school days; or in the instance where the pupil has been excluded for more than 5 school days; the Governors must convene a meeting within 50 school days to review the suspension if the parent requests it.

### 10. Procedure for permanent exclusions

If the Headteacher decides to exclude a pupil permanently, they will:

* Communicate the decision to permanently exclude with the Chair of Governors and the Local Authority;
* Ensure that there is sufficient recorded evidence to support the decision;
* Explain the decision to the pupil;
* Contact the parents, explain the decision and ask that child be collected;
* Write to the parents confirming the reasons for the permanent suspension;
* Ensure that appropriate work is set and that arrangements are in place for it to be marked and
* Arrange a meeting with Governors, to meet within 15 school days of the suspension and review the decision.

The decision of the Governors should be conveyed to the parents and the Headteacher and the Local Authority within 5 school days.

Upon receipt of the decision letter from the Governors, the parents have the right to have the decision of the Governors reviewed by an Independent Review Panel.

### 11. Procedure for a review by the Governors

* If a permanent exclusion triggers a review by the Governors, then the matter should be heard within 15 school days (or within 50 school days depending on the length/cumulative length of the suspension). The group must be formed of at least three governors.
* The parents, the Headteacher and a representative from the Local Authority must be invited to the meeting. All parties must be given the opportunity to make representations. The group of Governors must not discuss the suspension with any other persons outside the meeting. The group of Governors must request the school to provide written evidence in advance of the meeting, which should be circulated to all invitees at least five school days in advance of the meeting.
* The group of Governors should allow parents and the pupil to be accompanied by a friend or a representative, and should also ensure that the parents are informed of their right to appoint a Special Education Needs Expert to advise the group if necessary.
* When establishing the facts, the group of Governors must apply the civil standard of proof, and must consider whether the decision to exclude the pupil was lawful, reasonable and procedurally fair, taking into account any evidence presented and whether the Headteacher complied with his or her legal duties.
* The group of Governors, in light of its consideration, can decline to reinstate the pupil, or direct reinstatement of the pupil immediately or on a particular date.
* The group of Governors must ask all parties to withdraw from the meeting before considering the decision, with the exception of the clerk and must ensure that the outcome letter is clearly drafted and contains adequate detail regarding their decision. The outcome letter should be sent to the parent within five school days of the meeting taking place. The group of Governors must also ensure that clear minutes are taken of the meeting and are kept on the pupil’s file.
* The outcome letter must contain information regarding;
  + The date by which an application for review by an Independent Review Panel must be submitted;
  + To whom and where the application for review should be submitted;
  + Right for the parents to appoint a Special Education Needs Expert to advise the Independent Review Panel.
  + Right for the parents to arrange for a representative.

### 12. Procedure for an Independent Review Panel

* The parents have the right to refer a decision of the Governors for review to an Independent Review Panel. The Independent Review Panel must consist of at least three people who were not directly involved in the matters detailed in the complaint.
* If the parents apply within 15 school days of the notice being given to the parents that the Governors have decided not to reinstate a permanently excluded pupil, the school must, at its own expense, arrange for the Independent Review Panel to review the decision.
* Where there is a hearing, this will include two people who will be independent of the management and the running of the school. Each member shall be appointed by the Chair, who will then acknowledge the appeal and schedule a hearing to take place as soon as practicable and normally within 15 school days.
* Further particulars of the incident or any related matter may need to be supplied in advance of the hearing, and copies of such particulars shall be supplied to all parties not later than 7 working days prior to the hearing.
* The parents may be accompanied to the hearing; legal representation will not normally be appropriate. If possible, the Independent Review Panel will resolve the parents’ appeal immediately without the need for further investigation.
* After due consideration of all facts they consider relevant, the Independent Review Panel will reach a decision and may make recommendations, which it shall complete within 14 working days. The Panel will write to the parents (where possible, a copy will also be sent by e-mail) informing them of its decision and the reasons for it. The decision of the Independent Review Panel will be final.
* The Independent Review Panel's findings and any recommendations will be sent in writing to the parents, the Headteacher and the Chair of Governors. Those findings will be available for inspection on the school premises by the Chair of Governors and the Headteacher.
* All suspensions will be reported to the Governing Body and details will be recorded. If the Chair of Governors is not available, the Vice Chair or a member of the School’s Senior Leadership Team will deputise.
* Should any aspect of the Independent Review Panel procedure remain unresolved, it is possible for parents to bring such matters to the attention of Ofsted, which may be contacted at: [www.ofsted.gov.uk](http://www.ofsted.gov.uk/)

### 13. Informing the Board of Governors and the LA

Within one school day the Headteacher must inform the Board of Governors and the LA of:

* permanent exclusions;
* suspensions which would result in the pupil being suspended for more than five school days in any one term.

For a permanent suspension, if the pupil lives outside the LA in which the school is located, the Headteacher must also advise the 'home' LA of the suspension, so that they can make arrangements for the pupil's full-time education from and including the sixth school day of suspension. It is essential that the 'home' LA is speedily and fully informed of the details of the suspension so that they are in a good position to ensure that appropriate provision is in place within the statutory time limits. A database of suspensions officers in England and their email addresses can be found at [www.teachernet/wholeschool/behaviour/suspension](http://www.teachernet/wholeschool/behaviour/exclusion)  Reports should include:

* the pupil's name
* the length of time
* the reason for the suspension/suspension
* the pupil's age, gender and ethnicity
* whether the pupil has an EHCP, is being assessed for such an EHCP, or is supported by the school as part of the SEN provision
* whether the pupil is looked after as defined in section 22 of the Children Act 1989
* for suspension of pupils of compulsory school age, where the suspension is for more than five school days, what alternative provision has been put in place for the pupil.

### 14. Pupils with special educational needs and disabled pupils

The School must take account of any special educational needs when considering whether or not to suspend a pupil. There is a legal duty not to discriminate against disabled pupils by excluding them from school for behaviour related to their disability. Where reasonable adjustments to policies and practices have been made to accommodate a pupil’s needs and to avoid the necessity for suspension as far as possible, suspension may be justified if there is a material and substantial reason for it, such as a specific incident affecting order and discipline in the school, or if there are serious health and safety issues that put the school community at risk.

### 15. Suspensions exceeding 6 days in duration

Although every effort is made by the School to avoid suspending pupils, on some occasions this is unavoidable. After careful consideration, in order to minimise any disruption to pupils’ learning, while discouraging any repetition of the behaviour that has led to such unfortunate and serious action being taken in the first place, the following policy extension has been adopted: On the 6th day of a suspension, the Headteacher will organise alternative provision with another school or institution. For further clarification on any part of this, please contact the Headteacher.

# Appendix 1

